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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**KIDS AT THE BORDER: UNACCOMPANIED CHILD
MIGRATION FROM THE NORTHERN TRIANGLE AND
MEXICO**

by

David Carattini

June 2016

Thesis Advisor:
Second Reader:

Marcos T. Berger
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**KIDS AT THE BORDER: UNACCOMPANIED CHILD MIGRATION FROM
THE NORTHERN TRIANGLE AND MEXICO**

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Submitted in partial fulfillment of the
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**MASTER OF SCIENCE IN INFORMATION STRATEGY AND
POLITICAL WARFARE**

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ABSTRACT

In the United States, the issue of immigration, particularly illegal immigration, has had significant implications for national security, the political landscape, culture, and the U.S. economy. Current U.S. regulations and enforcement practices are clearly ineffective to meet the challenges surrounding the ending or containment of illegal immigration. Meanwhile, the issue of illegal immigration attracts even more attention and demonstrates the United States' apparent inability to deal effectively with the problem. In 2011, a surge of unaccompanied children (under age 18) coming illegally from Mexico, Guatemala, El Salvador, and Honduras were apprehended by U.S. immigration agencies at the U.S.–Mexico border.

This thesis takes a two-part approach to focus on the ongoing rise in unaccompanied children, starting with a brief explanation of why children leave their home countries and how they get to the U.S.–Mexico border, following with the United States' reaction to the recent surge in unaccompanied children. We ask if the United States is doing enough to address the problem of rising numbers of unaccompanied children in the context of changes and continuities in the Department of Homeland Security's wider approach to illegal immigration. The solution requires policy reform that properly addresses socio-economic and security conditions in the region. This is done in an effort to produce a viable set of policy recommendations that lay out why the United States needs to do more, and what it needs to do in order to have an impact on the issue of unaccompanied children specifically and illegal immigration more generally.

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LIST OF ACRONYMS AND ABBREVIATIONS

AHP	analytical hierarchy process
Barrio 18	18th Street Gang, also called Calle Dieciocho
CARSI	Central American Regional Security Initiative
CAT	United Nations Convention against Torture
CBP	Customs and Border Protection
CIA	Central Intelligence Agency
CRS	Congressional Research Service
DHHS	Department of Health and Human Services
DHS	Department of Homeland Security
DOJ	Department of Justice
DUCS	Division of Unaccompanied Children Services
GAO	Government Accountability Office
FBI	Federal Bureau Investigation
FSA	Flores Settlement Agreement
FY	fiscal year
HAS	Homeland Security Act
ICE	Immigration and Customs Enforcement
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
IO	information operations
MS 13	Mara Salvatrucha, also called Maras
OBP	Office of Border Patrol
OFO	Office of Field Operations
ORR	Human Services' Office of Refugee Resettlement
SIJS	Special Juvenile Immigrant Status
TCO	transnational criminal organization
TOPSIS	technique for order preference by similarity to ideal solution
TVPRA	Trafficking Victims Protection Reauthorization Act
UAC	unaccompanied alien children
UNODC	United Nations Office on Drugs and Crime
USAID	U.S. Agency for International Development

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I. INTRODUCTION

Beginning in 2011, the U.S. media began broadcasting reports about the massive immigration of undocumented and unaccompanied children (under the age of 18) from Latin America. Pictures of child refugees created political tension in the United States.¹ Most had entered the United States via the Mexican border, traveling by train, motor vehicle, and/or by foot.² Many of the children had no knowledge of the risks and consequences they would face by undertaking the journey north, and their arrival has challenged the capacity of the United States to respond appropriately. From fiscal year (FY) 2012, the number of unaccompanied children entering into the U.S. immigration system rose to 15,701—multiplying in numbers from earlier years.³ These numbers continued to rise in FY2013 with the referral of 24,120 children by the Department of Homeland Security (DHS) to the Department of Health and Human Services’ Office of Refugee Resettlement (ORR).⁴ Following FY2013, there have been record numbers of children apprehended by U.S. Border Patrol agents. Significant numbers of the children have legitimate cases for political asylum or different types of alleviation; but the majority are fundamentally motivated by financial concern and a yearning to reconnect with relatives.⁵ Yet, are economic and family reconnection the primary reasons for the surge? This thesis explores why we are seeing unaccompanied alien children (UAC) between the ages of 6 and 17 coming to the United States and what the United States is doing once the children are apprehended.

UAC, as defined in the Homeland Security Act of 2002, “are persons under 18 without a parent or legal guardian in the United States who is able to provide care and

¹ Marc R. Rosenblum, *Unaccompanied Child Migration to the United States: The Tension between Protection and Prevention* (Washington, DC: Migration Policy Institute, 2015), 6.

² Maricela Garcia, “Unaccompanied Children in the United States: Challenges and Opportunities” 2008, <http://www.latinopolICYFORUM.org/resources/document/Unaccompanied-Children-Article.pdf>, 2.

³ Administration for Children and Families, “Fact Sheet,” 2014, https://www.acf.hhs.gov/sites/default/files/orr/orr_uc_updated_fact_sheet_1416.pdf.

⁴ Ibid.

⁵ Rosenblum, *Unaccompanied Child Migration*, 2.

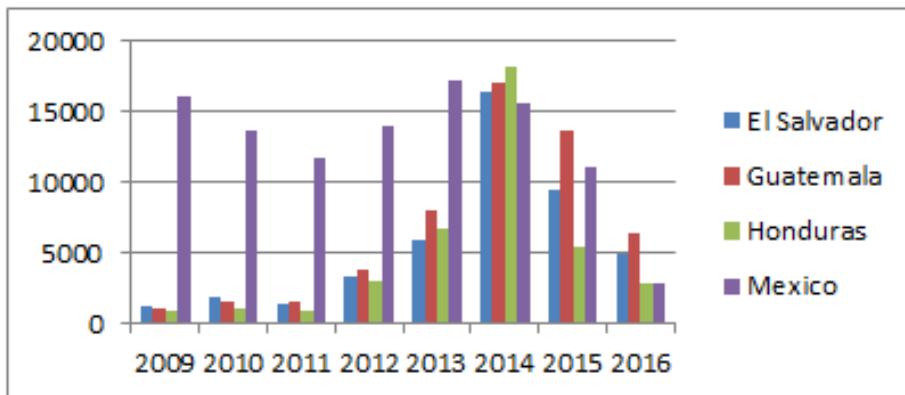
physical custody.”⁶ Once a person reaches the age of 18, he or she no longer falls under the UAC definition. According to the numbers provided by the U.S. Border Patrol, Mexican children are the largest group of children apprehended.⁷ The data also shows that, although Mexico has high numbers of unaccompanied children crossing the border, the numbers have remained constant from 2011–2014, and Mexican numbers remain almost the same when compared to the number of children coming from Honduras, Guatemala, and El Salvador. As Figure 1 and Table 1 show, the number of unaccompanied children from these three countries had increased more than 13-fold, from 3,933 in 2011 to 51,705 in 2014 between the ages of 8 to 17.⁸ The Department of Homeland Security’s apprehension data also highlights that from FY 2011–2014, the majority of the minors were apprehended at a specific crossing sector of the U.S.–Mexico border—the Rio Grande Valley—even though the border has nine different crossing sectors. Figure 2 shows the numbers divided among the different crossing sectors, and Figure 3 highlights the location of the highest number of children apprehended by U.S. Border Patrol agents.

⁶ U.S. Department of Justice, “Immigration Court Cases Involving Unaccompanied Alien Children” (Washington, DC: Executive Office of Immigration Review, 2004), <https://www.immigrantjustice.org/sites/immigrantjustice.org/files/EOIR%20guideline%20on%20Children%20in%20immigration%20court.pdf>, 3.

⁷ U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children FY 2016,” U.S. Customs and Border Protection, 2016, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.

⁸ The numbers of unauthorized alien children from Mexico, Honduras, El Salvador, and Guatemala were provided by U.S. Border Patrol, “United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016,” U.S. Border Patrol, 2016, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>.

Figure 1. Unaccompanied Children Apprehended by Country Reported by U.S. Border Patrol Agents



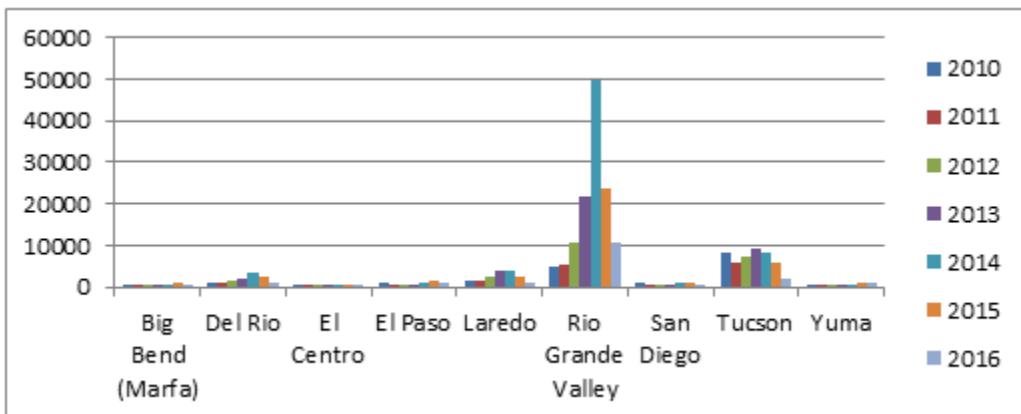
Source: U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children FY 2016,” U.S. Customs and Border Protection, 2016, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.

Table 1. Unaccompanied Children Apprehended by U.S. Border Patrol on the U.S.–Mexico Border

	2009	2010	2011	2012	2013	2014	2015	2016
El Salvador	1221	1910	1394	3314	5990	16404	9389	5017
Guatemala	1115	1517	1565	3835	8068	17057	13589	6474
Honduras	968	1017	974	2997	6747	18244	5409	2772
Mexico	16114	13724	11768	13974	17240	15634	11012	2881

Source: U.S. Customs and Border Protection, “Southwest Border Unaccompanied.” <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.

Figure 2. Number of Children Apprehended by Border Patrol Sector



Source: U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children FY 2016,” U.S. Customs and Border Protection, 2016, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.

Figure 3. U.S.–Mexico Borderlands Showing South Texas–Northern Mexico Study Emphasis



Source: U.S. Geological Service, “U.S.–Mexico Border Environmental Health Initiative (Geology Component),” U.S. Geological Service, last modified March 25, 2014, <http://gec.cr.usgs.gov/projects/borderstudies/health.html>.

The high number of apprehensions (especially in the Rio Grande Valley) of unaccompanied children at the southern border started surging in 2011 and peaked in 2014. These children were primarily from the Northern Triangle—Honduras, Guatemala, and El Salvador. Then, the number of apprehensions declined sharply in the winter of

2014; however, this decline only lasted for a few months. In the summer of 2015, the numbers show a significant resurgence in apprehensions of undocumented children. Table 1 shows the numbers for FY2016, although only covering a three-month period (October 1, 2015, through December 31, 2015), clearly demonstrate that there is already a significant increase for this fiscal year. A comparison of the apprehension numbers of the same three-month period in FY16 with that period in FY15 show a 217 percent increase in the FY16 period; there were 17,370 apprehensions in FY16 as compared to the same period in FY15, which had 7,987.⁹ Although the drop in child arrivals starting in 2014 has led some to believe that the regional migration crisis had been resolved, these more recent data are a reminder that humanitarian and migration pressures in the Northern Triangle remain a major concern.¹⁰ Huge efforts committed by the Northern Triangle countries, Mexico, and the United States have contributed to the recent decline; however, these efforts only seemed to be effective for a short period. Many attribute this to a period of adjustment to smugglers looking for new ways to conduct their operations. Whether the numbers are rising or declining, the majority of the children apprehended are still coming through a single crossing point across the border in the eastern portion of the U.S.–Mexico border. The children’s decision to choose a specific geographical crossing point must be understood in order to mitigate future migration flows. What is the United States doing to address this problem?

A. POLICY

Prior to 2008, children apprehended at the border were returned to their home countries immediately; however, the 2008 Trafficking Victims Protection Reauthorization Act, enacted under President George W. Bush to combat child trafficking, requires UACs from Central America must be given a court hearing before

⁹ U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children.”

¹⁰ Marc R. Rosenblum and Isabel Ball, “Trend in Unaccompanied Child and Family Migration from Central America” (Washington, DC: Migration Policy Institute, 2016), <http://www.migrationpolicy.org/research/trends-unaccompanied-child-and-family-migration-central-america>, 2.

they are either extradited or permitted to stay.¹¹ Many of the minors apprehended during the surge in 2011 were from Mexico and the Northern Triangle.¹² Children from the Northern Triangle accounted for 74 percent of the minors detained.¹³ In coordination with Mexican authorities, Mexican child immigrants, unlike children of other nationalities, are sent back quickly across the border upon detection by Border Patrol agents¹⁴ without a court hearing before an immigration judge.¹⁵ However, screening processes must be applied equally to all children no matter the location from where they are coming. This practice of treating children from specific countries differently undermines the possibility of equal treatment and benefits for all children, and it provides an incentive for Northern Triangle children attempting to stay in that they know they will be granted a hearing that could result in their favor.

Child migration from Mexico and the Northern Triangle has been the subject of considerable debate in the United States in the recent years, and immigration has been one of the main political topics during the United States presidential campaign. For instance, Assistant Secretary of State Roberta Jacobson testified, “Unaccompanied children migration serves as a warning sign that the serious and longstanding challenges in Central America are worsening.”¹⁶ The root causes of insecurity and instability must be addressed, not only for the benefit of the countries involved, but for the security of the United States as well.

¹¹ Alan Greenblatt, “What’s Causing the Latest Immigration Crisis? A Brief Explainer,” *NPR*, July 9, 2014, <http://www.npr.org/2014/07/09/329848538/whats-causing-the-latest-immigration-crisis-a-brief-explainer>.

¹² Ian Gordon, “70,000 Kids Will Show Up Alone at Our Border This Year. What Happens to Them?,” *Mother Jones*, July–August 2014, <http://www.motherjones.com/politics/2014/06/child-migrants-surge-unaccompanied-central-america>.

¹³ Ibid.

¹⁴ Nina Lakhani, “Mexico Deports Record Numbers of Women and Children in US-driven Effort,” *The Guardian*, February 4, 2015, <http://www.theguardian.com/world/2015/feb/04/mexico-deports-record-numbers-women-children-central-america>.

¹⁵ U.S. Conference of Catholic Bishops, *The Lost Dream: Unaccompanied Migrant Children and Victims of Human Trafficking on the US/Mexico Border* (Washington, DC: U.S. Conference of Catholic Bishops, 2006), 5.

¹⁶ “Unaccompanied Alien Children: Pressing the Administration for a Strategy, United States House of Representatives, Committee on Foreign Affairs, Subcommittee on Western Hemisphere Affairs,” 113th Cong. (2014), (statement of Roberta Jacobson, Assistant Secretary, Bureau of Western Hemisphere Affairs, U.S. Department of State), <https://www.hsdl.org/?view&did=760578>.

This thesis analyzes some of the factors associated with Latin American children's decisions (sometimes made by parents) to migrate from their home countries and cross the U.S.–Mexico border to journey to the United States. The study utilizes the technique for order preference by similarity to ideal solution (TOPSIS) method for determining the ideal geographical crossing point based on the criteria selected. The results strongly support the data provided by the U.S. Border Patrol, which identifies the Rio Grande Valley (U.S. side of the border, Tamaulipas/Nuevo Leon on the Mexico side) as the geographical crossing point most used by unaccompanied minors from Latin America. With a better understanding of how children move from their home countries to the United States, and how the United States is approaching the problem once children are apprehended, the United States can work with the countries involved (i.e., Mexico, Honduras, Guatemala, El Salvador) to develop a regional strategy to reduce and control the flow of unaccompanied children coming to the United States.

B. CHAPTER REVIEW

This study is based on secondary (and open) sources, including sources from the U.S. Government Accountability Office (GAO) and the Congressional Research Service (CRS). Other sources include Mexican news, journals, and books about Central American history, gangs, organized crime, and violence. Also, Internet websites from the Department of Homeland Security, Department of Health and Human Services, Department of Justice, and other organizations were reviewed.

The main goal of this thesis is to determine whether the United States' actions to address the problem are enough, or if a targeted and comprehensive political solution must be developed in order to find a solution. The thesis covers sequential steps of events that start at each country from the Northern Triangle, the passage through Mexico, and finally the decision to cross into the United States. Once inside the United States, children are apprehended and taken through a process that is vaguely understood and involves detention and a possible deportation process. This chapter introduced the problem with actual numbers of children apprehended by U.S. Border Patrol agents and the border location where the apprehensions are happening.

Chapter II explains some of the factors contributing to the children's decision to migrate from their home countries and covers each country's political overview prior to the surge, violence levels, and geographical control. From these factors, the Northern Triangle and Mexico countries emerge as facing one common threat: transnational criminal organizations (TCOs). The threat is very powerful and violent, which causes many citizens, including children, to leave their countries looking for better opportunities. In the chapter, the TCOs' powerful operations are covered, along with their associations for conducting organized crime activities. The chapter reveals the impunity of these groups, which weakens state institutions, is allowing them to expand operations into other lucrative operations, such as people smuggling.

Chapter III begins by describing the initial journey north from the children's home countries, the methods used to travel through Mexico, and the decision to cross a specific geographical crossing point at the U.S.–Mexico border. The TOPSIS methodology is utilized to determine if, after analyzing a series of criteria, the decision to cross a specific geographical location through the U.S.–Mexico border matches with the location chosen by the majority of the children apprehended.

Chapter IV presents the study data and the results gathered from the TOPSIS process. The results matched with the location where the majority of the unaccompanied children are getting apprehended by U.S. Border Patrol agents.

Chapter V explores the apprehension process once children cross the border and are confronted by U.S. immigration authorities. It follows the procedures in terms of the immigration agencies' responsibilities and the different legal options available for children apprehended at the U.S.–Mexico border.

Chapter VI explains the status of detention and current policy affecting the apprehension of unaccompanied alien children. The chapter details the process that unfolds once children are screened by U.S. Border Patrol agents and transferred to a detention facility.

Chapter VII concludes with a summary of research findings and provides recommendations for countering unaccompanied child migration from the Northern Triangle and Mexico.

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II. WHERE ARE THESE CHILDREN COMING FROM?

A. INTRODUCTION

In recent years, the majority of unaccompanied children apprehended at the U.S.–Mexico border come from Mexico and three Central American countries—Guatemala, Honduras, and El Salvador. There are many explanations in the literature for the 2011 surge of apprehensions noted in the previous chapter; however, the two top reasons are escaping violence and the need for better economic opportunities. Throughout interviews with detained children conducted by the Center of Inter-American Studies, aspiration for a better future was uncovered as a greater driver for the migration than poverty and absence of work.¹⁷ According to another report conducted by the Women’s Refugee Commission, gang violence, corruption, and failure of governance are key factors in children’s decision to migrate. The report reveals, “Staying in their country would guarantee death, and making the dangerous journey would give them a chance to survive.”¹⁸ Within the context of violence, many would argue that establishing security in these countries would have a positive impact on reducing children migration. However, why is providing security and a better environment for children and the population as a whole so difficult for these countries? The answer is it is a matter of control, specifically “turf control” of ungoverned spaces.¹⁹

What are ungoverned spaces? The term was derived from the state-focused conceptualization of regions wherein states do not practice successful power; the state control is missing, feeble, or challenged.²⁰ Also, it is in the contested areas with which

¹⁷ Anita Khashu, “Children in Transit: Results of Interviews with Central American Unaccompanied Minors Encountered in Mexico” (Mexico City: Centro de Estudios y Programas Interamericanos [Center of Inter-American Studies and Programs], 2010), http://interamericanos.itam.mx/working_papers/21KHASHU.pdf, 17.

¹⁸ Women’s Refugee Commission, “Forced From Home: The Lost Boys and Girls of Central America,” Women’s Refugee Commission, 2012, <https://www.womensrefugeecommission.org/component/zdocs/document?id=844-forced-from-home-the-lost-boys-and-girls-of-central-america>, 7.

¹⁹ Turf control refers to the ownership of a specific transit area, route, or territory utilized to conduct criminal activity without being challenged by the state government.

²⁰ Anne L. Clunan and Harold A. Trinkunas, *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty* (Palo Alto, CA: Stanford University Press, 2010), 17.

countries in the Northern Triangle struggle. In the Northern Triangle and Mexico, ungoverned spaces are simply “differently governed.”²¹ These regions have been deliberately or automatically surrendered in whole or parts to actors other than the pertinent legitimately perceived sovereign powers.²² Therefore, ungoverned spaces are very volatile in terms of providing security to the population in such areas and leave that responsibility to whoever has the bigger muscle to control.

Each country in Latin America has its own specific challenges. If security is not established throughout Latin America, strong governance and institutions capable of maintaining control over countries’ territories will be very difficult to develop. Honduras, El Salvador, Guatemala, and Mexico are fighting against very powerful enemies—transnational criminal organizations (TCOs). These groups—cartels, gangs, and organized crime mafias—operate and dominate local territory in both urban and rural settings.²³ Once these groups challenge the state institutions, the fight for control ensues, and in many instances the TCOs win. As Saul Elbein writes about the situation in Guatemala, “The governmental Guatemala has no control over, by some counts, half of its territory. There is near total impunity for murder.”²⁴ Violence in Guatemala and the other countries discussed in this thesis has grown out of control, and smuggling routes are found running through the areas disputed by the groups associated with criminal activity. When criminal groups own a territory, the citizens tend to rely on their own means of protecting themselves, taking into their own hands responsibility of the absent government. For the rich, this often means employing private security; for the poor, it generally means participation in or support of vigilante activity.²⁵ The enemy is too

²¹ Ibid.

²² Ibid.

²³ John Sullivan, “Narco Cities: Mexico and Beyond,” *Small Wars Journal*, March 31, 2014, <http://smallwarsjournal.com/print/15483>.

²⁴ Saul Elbein “Guatemalans Aren’t Just Fleeing Gangs,” *New Republic Magazine*, July 13, 2014, <http://www.newrepublic.com/article/118675/child-migrants-guatemala-are-fleeing-more-just-gang-violence>.

²⁵ United Nations Office on Drugs and Crime [UNODC], “Crime and Development in Central America: Caught in the Crossfire” (New York: United Nations Office on Drugs and Crime, 2007), <http://www.unodc.org/pdf/Central%20America%20Study.pdf>, 78.

powerful for citizens to cope with, which makes many citizens, including children, leave their countries looking for better and safer opportunities.

Although transnational criminal organizations could be composed of any of these groups—cartels, gangs, and organized crime mafias—gangs are the only ones about which some authors have questioned the use of the TCO label. For example, in the article “Creating Folks Devils,” Sonja Wolf argues, “Street gangs lack the organizational skills, well-defined leadership, specialized roles, and relationships with legitimate institutions that characterize organized crime.”²⁶ In contrast and related to the unaccompanied children migration, this thesis explores how the connection of street gangs and cartels can develop networks across country borders, which is one of the reasons that the TCO label does fit. Though some street level gangs may not be extremely organized, there are bigger gangs that are; therefore, it is important to understand that some gangs have the operational reach and capacity to conduct cross border/states activities and should be labeled as TCOs. To be successful, TCOs resort to violence, which is the preferred method utilized by street gangs found in the Northern Triangle, Mexico, and the United States. Children from these areas are fleeing countries so violent that they and their parents view the prospect of a dangerous journey to the United States as more appealing than staying at home. Analysis of the events that occurred in each country prior to the surge of migrating unaccompanied children provides a background for the children’s decision to leave—escaping violence.

B. MEXICO

Mexico, politically speaking, is relatively the most stable country of the countries discussed; however, child migration from Mexico to the United States is still a huge issue. In 2009, of all unaccompanied children apprehended at the U.S.–Mexico border, around 82 percent were from Mexico, and 18 percent from the Northern Triangle

²⁶ Sonja Wolf, “Creating Folk Devils: Street Gang Representations in El Salvador’s Print Media,” *Journal of Human Security* 8, no. 2 (2012): 46.

(Guatemala, Honduras, and El Salvador).²⁷ However, the numbers completely changed after 2011, when only 23 percent came from Mexico, and the other 77 percent from the Northern Triangle.²⁸ This drastic change in percentages is related to an effective anticrime strategy introduced by the former Mexican President Felipe Calderon (2006–2012). The strategy called for more U.S.–Mexico security cooperation missions resulting in the arrest of some drug kingpins; however, more than 60,000 people were killed in the process of the strategy enforcement due to organized crime-related violence during his term.²⁹ These facts undermined the government’s achievements, and after the global financial crisis of 2009, Mexico’s security challenges grew due to economic hardship.

Mexico is currently ranked at 18 for murder rate in countries not at war, and although it ranks higher than the Northern Triangle countries, security is a big concern within Mexican borders. Many scholars would argue that Mexico is at war with criminal networks. When compared to the United States, ranked at number 42 in murder rates, Mexico is relatively high. Figure 4 shows the murder rate per 100,000 residents from 2009–2012 in Mexico. From 2009 to 2012, Mexico has maintained its ranking, approximately five murders per day. The majority of the murders are related to organized crime and, in particular, to drug cartels.

To fight the cartels, the Mexican government and the United States have increased cooperation through a joint security plan called the Merida Initiative. The initiative was first funded in 2008 and has provided over \$1.5 billion to Mexico since then. The current focus of the program is on “disrupting organized criminal groups, institutionalizing the rule of law, creating a 21st-century border, and building solid and flexible communities.”³⁰ The U.S. government has guaranteed to battle weapons

²⁷ William Kandel and Lisa Seghetti “Unaccompanied Alien Children: An Overview” (CRS Report No. R43599) (Washington, DC: Congressional Research Service, 2009), <https://fas.org/sgp/crs/homesec/R43599.pdf>.

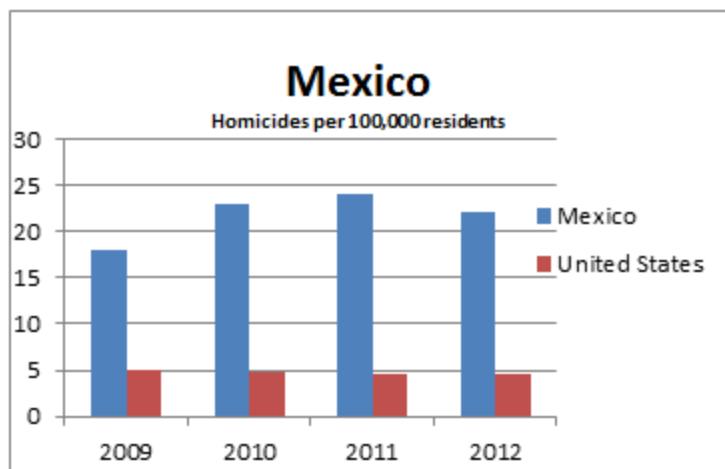
²⁸ Ibid., 2.

²⁹ Clare Ribando Seelke *Mexico: Background and U.S. Relations* (CRS Report No. R42917) (Washington, DC: Congressional Research Service, 2014), 3.

³⁰ Seelke *Mexico*, 15.

trafficking, tax evasion, and drug demand; Mexico has guaranteed to battle corruption.³¹ Unfortunately, the problem still remains even after President Felipe Calderon left office and was replaced by current President Enrique Pena Nieto, who has continued the fight against criminal organizations. The cartels continue to dominate the territory in which they operate, and the decision between the government's weak institutions or the cartel's threats of *plata o plomo*³² is very difficult for the population.

Figure 4. Mexico's Homicide Rate per 100,000 Residents 2009–2012



Adapted from "Intentional Homicides (per 100,000 People)," World Bank, 2016, <http://data.worldbank.org/indicator/VC.IHR.PSRC.P5?page=1>.

C. HONDURAS

The political scenario in Honduras was highlighted by a 2009 military coup that ousted President Manuel Zelaya and sent him off into exile in Costa Rica. After the coup, the de facto government suspended civil liberties and initiated a curfew after protesters demanded Zelaya's return and reinstatement.³³ Even though the policies of Zelaya's government were not very effective against criminal organizations, the public was very

³¹ Ibid.

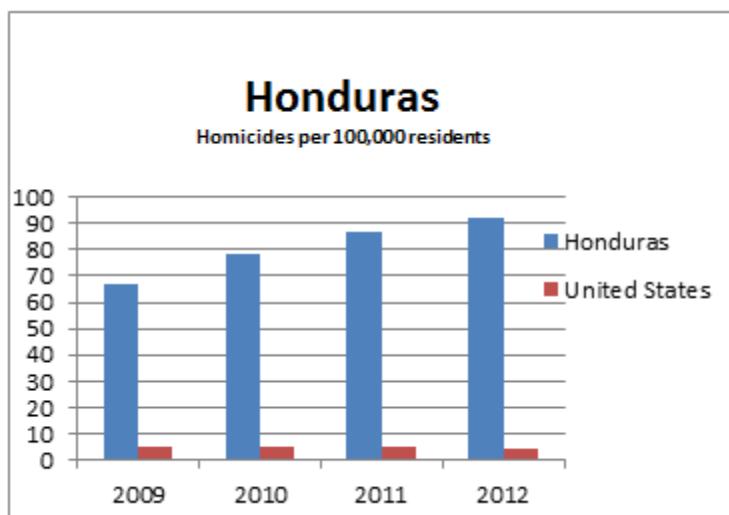
³² *Plata o plomo* means silver or lead, a common saying by criminal organizations to intimidate their rivals. It is sometimes also translated to the bribe or the bullet. Essentially, it means making the decision of being bribed (plata) or dead (plomo).

³³ John A. Booth, Christine J. Wade, and Thomas W. Walker, *Understanding Central America: Global Forces, Rebellion, and Change* (Boulder, CO: Westview Press, 2015), 225.

upset by changing government in a non-democratic fashion. By 2009, Honduras's Caribbean coast had become a major transshipment location for drug trafficking, and organized crime had infiltrated government itself. In *Understanding Central America*, the authors estimate that 30 percent of cops had connections to organized crime and that more than half of police investigative unit personnel cooperated with Mexican narcotics cartels.³⁴

Honduras is known as the murder capital of the world, and it is ranked number one in murder rates for countries not at war. In 2011 alone, Honduras had approximately 20–25 murders per day; the disparity between Honduras and the United States is high and increasing (shown in Figure 5). The majority of these murders are related to organized crime and to cartels, in particular, and youth gangs.

Figure 5. Honduras's Homicide Rate per 100,000 Residents 2009–2012



Adapted from "Intentional Homicides (per 100,000 People)," World Bank, 2016, <http://data.worldbank.org/indicator/VC.IHR.PSRC.P5?page=1>.

As previously stated, due to the pressure from Mexico's security forces on cartels, these crime organizations have established roots in nearby countries in which governance is not strong. Honduras is seen as a "business friendly" environment for cartels to

³⁴ Ibid., 224.

operate. In addition to cartels, Honduras is frequently cited as being home of the largest number of gang members, particularly the Mara Salvatrucha (MS-13) and Barrio 18 (18th Street) gangs.³⁵ Confirming the exact number of gang members in a specific region is a very difficult task due to the flow of individuals through national borders. There is a persistent back-and-forth migration of members between Honduras, El Salvador, Guatemala, Mexico, and the United States, which is ideal to conduct trafficking operations.³⁶ As of today, the Honduran government is still trying to lower the violence levels created by the cartel and gang members; however, due to the power of these groups, it has been a very difficult task. Many civilians who caught in the middle flee, looking for better opportunities somewhere else.

D. EL SALVADOR

El Salvador's political history is characterized by the civil war between 1980 and 1992. During the civil war, Salvadoran emigration to the United States increased dramatically. By 2004, an estimated 1.5 million Salvadorans lived in the United States.³⁷ Many Salvadorans stated that the real problem in El Salvador, as in the rest of Central America, is extreme maldistribution of resources and elite control.³⁸ The maldistribution of resources, control of the elites, and emigration have been contributing components in the weakening of the family, which has left youthful Salvadorans defenseless against the developing gang culture. Also, the repatriation of gang members to El Salvador by the United States in the mid-1990s fueled the rise in post-war violence.³⁹

Though a significantly smaller country than Mexico, Honduras, and Guatemala, El Salvador holds ranks second for murder rate for countries not at war. If compared to the United States, which has about 16 murders per day, El Salvador is a very violent place, with about 35 murders per day (see Figure 6). For the most part, gangs are

³⁵ Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner, *Maras: Gang Violence and Security in Central America* (Austin, TX: University of Texas Press, 2013), 88.

³⁶ Ibid.

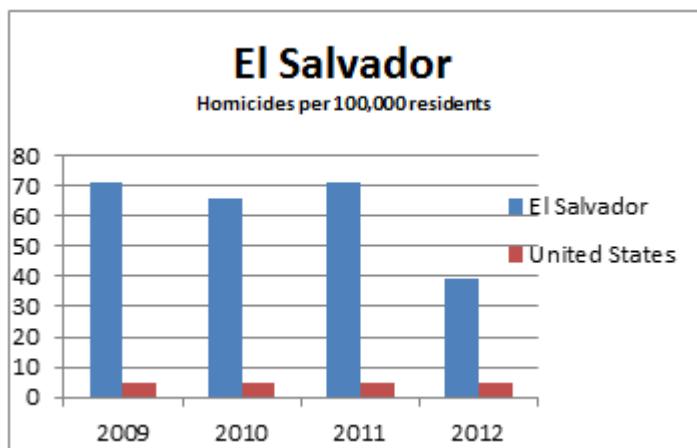
³⁷ Booth, Wade, and Walker, *Understanding Central America*, 155.

³⁸ Ibid., 137.

³⁹ Ibid., 155.

considered responsible of no less than 60 percent of all manslaughters committed in El Salvador. The country is dominated by the Mara Salvatrucha (MS-13) and Calle Dieciocho or Barrio 18 (18th Street Gang).⁴⁰ Some argue that the local gang problem is largely fed by gang members deported from the United States, who connect with their peers in El Salvador, causing escalations in the crime rate. Observers argue that gang's historical roots, volume, and the nature of criminal involvement, not necessarily the returning gang members, have caused the crime rate to escalate.⁴¹ Regardless of the reasons, the high levels of violence in El Salvador create a problem for the civilian population, forcing many of them to migrate and risk their life looking for a better future.

Figure 6. El Salvador Homicide Rate per 100,000 Residents 2009–2012



Adapted from World Bank, “Intentional Homicides per 100,000 People.”

E. GUATEMALA

As El Salvador, Guatemala also suffered from a long civil war (1954–1996) that has had lasting political consequences. On December 29, 1996, the government signed the Peace Accord in Guatemala City, ending the civil war; however, even though a democratic regime emerged, Guatemala's political party system has continued to be unstable in the subsequent decades. For instance, there were 19 presidential nominees in

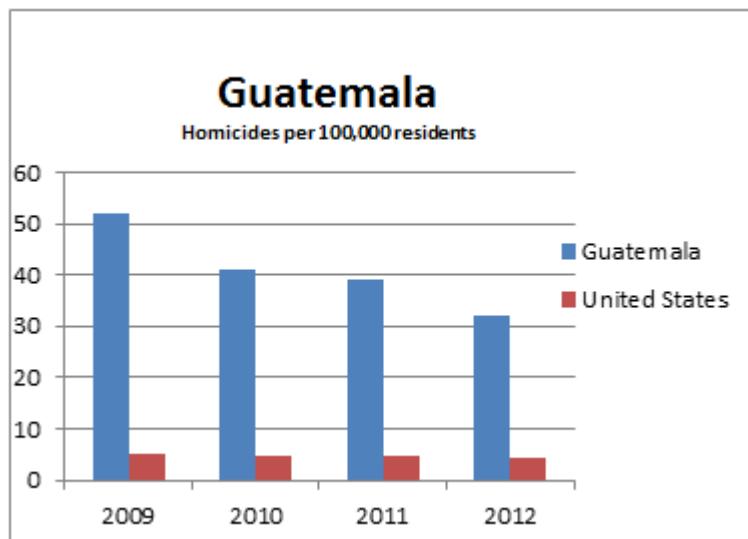
⁴⁰ Bruneau, Dammert, and Skinner, *Maras*, 43.

⁴¹ Ibid.

1995, and 10 or more for elections through 2011.⁴² These events demonstrate the weakness of the government as no candidate has any continuity or longevity to establish a political agenda with goals to benefit the population.

Although homicide rates dropped in Guatemala from 2009 to 2012, the numbers still show high levels of violence. The country ranks fourth in murder rates for countries not at war. Figure 7 shows the difference between murder rates in Guatemala and the United States.

Figure 7. Guatemala's Homicide Rate per 100,000 Residents 2009–2012



Adapted from World Bank, "Intentional Homicides per 100,000 People."

Similar to the elite in El Salvador, Guatemala's elite control the majority of the country's wealth. The wealthiest 20 percent of the country's people own two-thirds of its wealth, whereas the poorest 20 percent receive only 3 percent.⁴³ Poverty and inequality causes grievances in the population, which in many cases results in violence. Violence is generally limited to gang rivalry. Responsible for these violent acts are the MS-13 and the 18th Street gangs. According to an assessment by U.S. Agency for International

⁴² Booth, Wade, and Walker, *Understanding Central America*, 186.

⁴³ Ibid., 190.

Development (USAID), these two gangs constituted 95 percent of all gang membership in Guatemala in 2006.⁴⁴ Poverty and violence provide a great recruiting tool for gangs, cartels, and organized crime organizations, and it also may create a strong incentive for people to migrate and build a life elsewhere.

F. VIOLENCE: A COMMON FACTOR IN CENTRAL AMERICA AND MEXICO

Violence, caused by vulnerabilities affecting the region, is a common factor throughout the Northern Triangle countries and Mexico. The United Nations published a report in 2007 detailing common vulnerabilities, including the geography, underdevelopment, low criminal justice capacity, a history of conflict, and drug trafficking, affecting these countries.⁴⁵ In addition, these vulnerabilities combine to promote a “business friendly” environment for criminal activity throughout the region.⁴⁶ The ability to conduct illicit businesses, mainly drug/weapons trafficking and human smuggling/trafficking operations, without fear of prosecution allows criminals to challenge the power of each state in maintaining order. A key characteristic of these illicit businesses is that they are very lucrative. According to a report on black market human smuggling costs, people pay an average of \$7,000 to be smuggled into the United States from Guatemala and around \$4,000 from Mexico.⁴⁷ If we multiply 50,000 (yearly number average of unaccompanied children [UAC] apprehended) by \$7,000, the result is \$350 million a year. Drugs provide an even greater return as drug traffickers can buy a kilo of cocaine for \$1,500 (wholesale) from Colombia, and it is then sold in the United

⁴⁴ Bruneau, Dammert, and Skinner, *Maras*, 72.

⁴⁵ UNODC, *Crime and Development in Central America*.

⁴⁶ U.S. Senate Caucus on International Narcotics Control, “Responding to Violence in Central America,” (Washington, DC: U.S. Senate Caucus on International Narcotics Control, 2011), http://www.feinstein.senate.gov/public/index.cfm/files/serve?File_id=a67575d5-66dd-4e36-a4ae-6a4f70de500a, 3.

⁴⁷ Human smuggling prices and fees are based upon publicly available information taken from arrest records, criminal court cases, lawyer statements, police reports, and other law enforcement publications. Havoscope, “Prices Charged by Human Smugglers,” 2016, <http://www.havoscope.com/black-market-prices/human-smuggling-fees/>.

States for \$66,000 (retail).⁴⁸ This is definitely a business of supply and demand; South America has the product and the United States the consumers. For this particular aspect, the Northern Triangle and Mexico are placed geographically between drug supply and drug demand.⁴⁹ The big question about this dilemma is: who takes the profit of these lucrative illegal businesses?

According to the literature, various factors affect the violence in Central America and Mexico. Most of these factors are related to profit from illegal businesses and who get them. Mexican drug cartels, local drug trafficking organizations, transnational youth gangs, and other criminal networks are responsible for the poor security environment that regular citizens experience.⁵⁰

In Mexico, vast territories are controlled by Mexican cartels. Figure 8, illustrates the amount of territorial influence from the Sinaloa and Los Zetas Mexican cartels; together they control the majority of all Mexican territory. In contrast, moving down from Mexico to the Northern Triangle, the territories in Guatemala, Honduras, and El Salvador are mainly controlled by youth gangs. The most predominant gangs in the Northern Triangle are the MS-13 and the 18th Street gangs, both of which originated in Los Angeles and have become the most important gangs in the Northern Triangle.⁵¹ Another group that the literature emphasizes as responsible for violence is the criminal networks. Often, these groups are described as involved with neither drug traffickers nor youth gangs; rather, these groups are tied to elites and are clandestine and very powerful. As of this point, identifying how these criminal network groups interact with each other or what if any specific territory they control as related to the other two groups (Mexican cartels and youth gangs) is very difficult.⁵² The violence in these areas comes from the efforts of these groups to maintain control of the territory that each has. This phenomenon is widely known as “controlling your turf.”

⁴⁸ Oriana Zill and Lowell Bergman, “Do the Math: Why the Illegal Drug Business is Thriving,” *Frontline PBS Online*, 2013, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/special/math.html>.

⁴⁹ UNODC, *Crime and Development in Central America*, 25.

⁵⁰ Caucus on International Narcotics Control, *Responding to Violence in Central America*, 5.

⁵¹ Bruneau, Dammert, and Skinner, *Maras*, 1.

⁵² Caucus on International Narcotics Control, *Responding to Violence in Central America*, 25.

Figure 8. Mexican Cartel's Zones of Influence



Source: "El Mapa del Narco en Mexico y las Zonas de Influencia de Todos los Carteles [Mexican cartel's zones of influence]," *RT*, February 26, 2014, <https://actualidad.rt.com/actualidad/view/120930-mapa-narco-mexico-zonas-influencia-carteles>.

During the early 1980s, Colombian drug traffickers decided to pursue more cost effective transit routes for drugs in response to a greater interdiction effort by the U.S. Drug Enforcement Agency. As a result, the routes shifted from aerial and maritime through the Caribbean to ground movement through Central America, Mexico, and eventually the United States. Not only did a new route emerge, but because of poverty, a great number for foreign and domestic trafficking organizations also blossomed. It is a new way of income wherein for every one person arrested, "there was a hundred hungry souls eager to take his place."⁵³ This new route, which primarily moved drugs through Mexico into the United States, prompted Mexico to crack down on drug trafficking problems, which in turn forced the Mexican drug cartels to re-adjust and expand their territories. The Northern Triangle with its weak governments and a bureaucracy, given that members of both are easy to bribe, fit the bill as a strategic bridge between supply and demand.⁵⁴ By the early 2000s, the Zetas, the Sinaloas, and the Gulf cartels had

⁵³ Julie Bunck and Michael Fowler, *Bribes, Bullets, and Intimidation: Drug Trafficking and the Law in Central America* (University Park, PA: Pennsylvania State University, 2012), 17.

⁵⁴ Ibid., 17.

moved aggressively into the Northern Triangle; this movement has created a large increase in violence. Bunck and Fowler explain about how Mexican cartels conduct business through violence:

If a Mexican trafficker cannot get their way through bribery, then they will use violence. If they cannot purchase land or other needed assets; they will seize it through violence. If someone betrays them, they will use violence. If someone opposes them, including government forces, they will use violence.⁵⁵

Therefore, throughout the 2000s, violence to maintain control of trafficking routes and territory has been the common theme throughout the region. Although violence is directed toward everybody, a report from Casa Alianza published in 2006 shows that 40 percent of children under the age of 18 are caught in the crossfire.⁵⁶ This is a huge factor motivating children to leave their home countries to look for better opportunities in the United States. In 2012, the Women's Refugee Commission published *Forced from Home: The Lost Boys and Girls of Central America*, in which the authors noted many children felt that to stay in their native country would mean death whereas the dangerous migration journey would at least offer the possibility or chance to survive.⁵⁷

After many years of fighting for their respective territories through the use of violence, the Mexican cartels, youth gangs, and criminal networks have decided to cooperate with one another. These gangs and criminal networks can and do take a variety of positions related to the transport networks, working on behalf of Mexican drug trafficking organizations, such as Los Zetas and the Sinaloa cartels. These agreements take a tiered structure based on control. Some of the tasks executed on behalf of cartels include “protection of cocaine loads moving through Central America, extortion, human smuggling, and other criminal activities.”⁵⁸ Although the Mexican drug cartels have

⁵⁵ Ibid., 18.

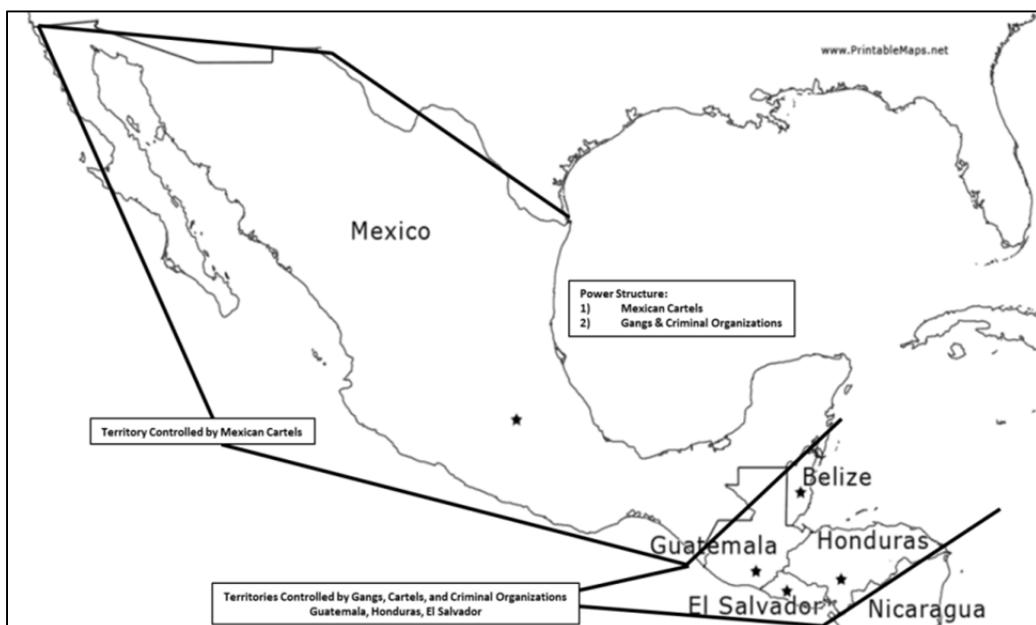
⁵⁶ UNODC, *Crime and Development in Central America*, 55.

⁵⁷ Women's Refugee Commission, *Forced From Home*, 7.

⁵⁸ Douglas Farah and Pamela Phillips, “Central American Gangs and Transnational Criminal Organizations: The Changing Relationships in a Time of Turmoil” (Alexandria, VA: International Assessment and Strategy Center, 2013), http://www.strategycenter.net/docLib/20130224_CenAmGangsandTCOs.pdf, 7.

integrated the Maras for movement of drug product, it seems that Maras are merely contractors working for the cartels. Even though the Maras do not benefit from the overall profit, they do receive money from the cartels' overall profit; paid as a one-of payment upon delivery of the product. Figure 9 shows the areas of control and the power structure, illustrating that the Mexican cartels are definitely more powerful than any other groups in the region. However, in effort to expand their overall influence and earning potential, Los Zetas are allowing the Maras to benefit from one very lucrative business—human smuggling.

Figure 9. Territorial Control and Power Structure



Adapted from End Child Detention, "Freedom for the Children of the Northern Triangle," End Child Detention, 2015, <http://endchilddetention.org/freedom-for-children-of-the-northern-triangle/>.

G. LOS ZETAS, MARAS, AND CHILD IMMIGRATION

Since October 2012, the U.S. Treasury Office of Foreign Assets Control has assigned the MS-13 a noteworthy transnational criminal organization label due to the group's involvement in trafficking—drugs, humans, weapons—and other criminal

activities.⁵⁹ In addition, under Executive Order 13581, the Zetas cartel has been designated as a part of the groups targeted as TCOs. The connection between the Maras in the United States and Maras abroad was made possible by a partnership between the U.S. Departments of Homeland Security and Department of Justice, which successfully indicted numerous MS-13 gang members, leading to the designation of the group as transnational organized crime.⁶⁰ Naming the Maras as TCO provided the Department of Homeland Security some indication of the gang's involvement in the human smuggling operations, emphasizing the gang's reach across state's borders. Also, the designation came right after the United States saw a large increase in undocumented and unaccompanied children migrants from the Northern Triangle and Mexico showing up at the U.S.–Mexico border. Data about the number of children apprehended by U.S. Border Patrol show that the majority of the children cross the U.S.–Mexico border utilizing a route primarily controlled by Los Zetas. As Figure 8 shows, the Los Zetas cartel's control is mainly on the eastern portion of Mexico. Figure 10 shows the main routes for migrants coming to the United States from the Northern Triangle and Mexico.

⁵⁹ Ibid., 4.

⁶⁰ U.S. Department of Treasury, "Treasury Sanctions Latin American Criminal Organization," U.S. Department of Treasury, October 11, 2012, <https://www.treasury.gov/press-center/press-releases/Pages/tg1733.aspx>.

Figure 10. Migrants' Main Routes



Source: "Migration Routes through Mexico," *Periodico Internacional*, accessed May 7, 2016, <http://www.elperiodico.com/es/graficos/internacional/migraciones-mexico-eeuu-menores-4650/>.

The routes are known as: the Pacific route, the central route, and the Gulf route. The Gulf route is clearly the shortest route from the Northern Triangle to the United States. Based on interviews with gang members, Los Zetas and the MS-13 have reached an agreement to conduct human trafficking; where all the middle smugglers (*polleros* or coyotes) use the routes controlled by Los Zetas and MS-13 members, making this agreement a real alliance in the human smuggling networks across the region between these two groups.⁶¹ Although the connection with children migration to the United States between Los Zetas and MS-13 is difficult to prove, there is significant evidence that the Maras are branching out into arms and human smuggling and that they are benefiting

⁶¹ Ibid., 15.

from the violent situation that they have created throughout the region.⁶² As these groups begin to work together, profit and power increases, making counter operation efforts even more difficult for state law enforcement agencies. The Zetas and the Maras are currently expanding their business activities, which include a multibillion-dollar-a-year business of unlawful immigrant smuggling;⁶³ those who use their services are guaranteed a successful passage to the United States while facing minimal problems along the way. The primary beneficiaries of these services are families sending their children alone to avoid violence and any problems along the journey; they are these groups' main customers.

H. CHAPTER CONCLUSION

Both similarities and differences between the Northern Triangle and Mexico are delineated by early history. Many historians agree that the region shares three main points: geography, poverty, and ineffective state institutions. Also, the region's geography is located between drug supply and drug demand, and this provides a great opportunity for trafficking businesses. Additionally, the region's poverty levels are exacerbated by the elites' control of most of the countries' wealth. Furthermore, poverty results in income inequality that benefits criminal organizations' recruiting, intimidation, and bribery and that diminishes state legitimacy with its population. Finally, ineffective state institutions allow criminals to have freedom of movement and maneuver to control their "turf." This creates distrust in the population as poverty increases, creating a gap that criminal groups fill with illegal money.

Criminals take advantage of the weak state institutions and lack of good governance by controlling the ungoverned territory. To dominate, criminals use violence to maintain control. The violence levels in these countries are relatively high, and this undermines any state efforts to counter it. New threats to democracy and stability have also emerged in the last decade as El Salvador, Guatemala, and Honduras are struggling

⁶² Bruneau, Dammert, and Skinner, *Maras*, 215.

⁶³ Josh Meyer, "Drug Cartels Raise the Stakes on Human Smuggling," *Los Angeles Times*, March 23, 2009, <http://articles.latimes.com/2009/mar/23/nation/na-human-smuggling>, 23.

with the highest levels of violence in the world.⁶⁴ These are some of the most important aspects of migration, in which criminal groups control the territory occupied by regular citizens. Citizens are forced to be a part of the situation or to leave. By leaving, the population provides another profitable business (smuggling) to these organizations or groups as illustrated by the 2011 surge in child migration.

The Zetas, after breaking relations with the Gulf cartel (their former bosses) in 2010, decided to work on their own.⁶⁵ Although drug trafficking was their main source of revenue, the cartels found that human smuggling provides a billion dollar business, and it has become another source of revenue. To take advantage of this market, the Zetas created a necessary relationship with the Maras, a group already established in the countries bordering Mexico. Before the child migration surge in 2011, migrants were travelling in relatively small groups in order to avoid detection; however, after 2011, huge groups of children began showing up at the U.S.–Mexico border. The only reason for this sudden change is that some organization (e.g., Maras) was providing protection along the routes, while other groups (e.g., Los Zetas) benefitted from tariffs paid by smugglers utilizing their territory. As noted in Chapter III, the routes taken by UACs are presented to reinforce this claim.

Violence and poverty remain a constant on the region, and this pushes children and families to migrate looking for a better future. This is a regional problem, and, if countries continue to develop their own policies and strategies without collaborating, a solution is unlikely. The problem requires a regional effort with full cooperation and collaboration from all countries affected by the problem, including the United States. From the perspective of the United States, engagement with these governments is key to develop a regional strategy. Also, it is necessary to have the promotion of development programs in each country to provide alternatives for children attempting to migrate. The programs must be established in safe zones and with full integration of participating local state agencies. Finally, a program of partnering with foreign immigration law

⁶⁴ Booth, Wade, and Walker, *Understanding Central America*, 67.

⁶⁵ International Crisis Group, “Guatemala: Drug Trafficking and Violence,” Latin America report no. 9, International Crisis Group, 2011, <http://www.crisisgroup.org/en/regions/latin-america-caribbean/guatemala/139-guatemala-drug-trafficking-and-violence.aspx>, 4.

enforcement agencies is necessary to manage the migration crisis from these countries. For all the elements to work, a coordinated effort, which prioritizes security as the primary step, is necessary to counter criminal groups' turf control over the areas in which state agencies have not been able to establish themselves.

In providing assistance to the region, the U.S. Congress has initiated a series of initiatives that resulted in the allocation of \$750 million through the Central America Alliance for Prosperity Plan. The money has been dispensed into the following classifications: “\$299 million for development; more than \$200 million for security (via the Central American Regional Security Initiative); \$184 million for economic programs; \$26 million toward military activities; and \$4 million to health programs, military training, and other programs.”⁶⁶ As noticed, only \$200 million has been allocated for security purposes. Is that enough? One of the biggest problems of these initiatives is a lack of accountability from the nation states and enforcing mechanisms by the United States to determine effectiveness.

Although the United States provides security assistance to Central America through a program called Central American Regional Security Initiative (CARSI), the methods for evaluating its effects are very dubious. Between 2010 and 2013, U.S. agencies allocated over \$1.2 billion in funding for CARSI and non-CARSI stated goals.⁶⁷ Also, in 2016, an additional \$200 million has been appropriated for CARSI security goals. A specific strategy must be attached to this money to address Central American problems and find a solution for the security situation of the Northern Triangle countries. By continuing to throw money at the problem without delineated its goals, the CARSI program may end up being considered as another Merida Initiative, which many critics consider a failure. After nine years since its approval, measuring the success of the

⁶⁶ White House Office of the Press Secretary, “Fact Sheet: United States and Central America: Honoring our Commitments,” White House Office of the Press Secretary, January 14, 2016, <https://www.whitehouse.gov/the-press-office/2016/01/15/fact-sheet-united-states-and-central-america-honoring-our-commitments>.

⁶⁷ Government Accountability Office, “Central America: U.S. Agencies Considered Various Factors in Funding Security Activities, but Need to Assess Progress in Achieving Interagency Objectives” (Washington, DC: Government Accountability Office, 2013), <http://www.gao.gov/assets/660/658145.pdf>, 43–55.

Merida Initiative has proved a challenge. According to a CRS report, “with little publicly available information on what specific metrics the United States and Mexican governments are using to measure the impact of the Merida Initiative, analysts have debated how bilateral efforts should be evaluated.”⁶⁸ Therefore, the United States should consider the effectiveness of CARSI measures before assigning and releasing funds to a program without a clear strategy.

The security situation in the Northern Triangle and Mexico is not getting any better, even with all the initiatives and support received from the international community. Due to the violence levels in the region, many observers stated that, “The dynamics of the Merida and CARSI security initiatives have created historic levels of violence in the region.”⁶⁹ Also, by not addressing the gang and cartels’ alliance—Maras and Zetas cartel—as a problem, the migration crisis may continue; it is difficult to believe that a kid conducts a very dangerous journey without any help. Until policy initiatives address the security conditions with an accountable system that ensures regional governments responsibilities, the violence will continue, and the children migration problem will also continue. At the end, it is easier to conduct the dangerous journey north than to stay in a place that does not provide a safe environment to prosper.

⁶⁸ Clare R. Seelke and Kristin Finklea, “U.S.-Mexican Security Cooperation: The Merida Initiative and Beyond” (CRS Report No. R41349) (Washington, DC: Congressional Research Service, 2016), <https://www.fas.org/sgp/crs/row/R41349.pdf>.

⁶⁹ Mercedes Garcia, “Alliance for Prosperity Plan in the Northern Triangle: Not Likely a Final Solution for the Central American Migration Crisis” (Washington, DC: Council on Hemispheric Affairs, 2016), <http://www.coha.org/alliance-for-prosperity-plan-in-the-northern-triangle-not-a-likely-final-solution-for-the-central-american-migration-crisis/>.

III. THE JOURNEY TO EL NORTE (THE NORTH)

A. INTRODUCTION

Children fleeing to the United States have two options—utilize a smuggler or go it alone. Even if doing it alone, negotiations must be made along the way with turf owners (i.e., TCOs) to pay for passage through their territories. Some children heading north have no family and decide to leave by themselves. For many children, their families make the decision and arrangements, and still others are just forced by gangs in order to transport product serving as drug mules. Some children are escaping poverty or reuniting with family members. This group of children is migrating; however, there is another group that has no choice but to flee violence. Once children make the decision to conduct the journey north, they often embark without set plan, without knowledge or understanding of the journey's dangers, traps, and ultimately, its rules. Along the way, children are preyed upon by cartels, police, Mexican immigration authorities, and Maras; they are robbed, enslaved, and raped.⁷⁰ Regardless of why the children are journeying, there are a few critical choices that should be made: mode of transportation, the route, obstacles along the way, and finally, which geographical U.S.–Mexico border crossing point. Since this study includes a major focus on the journey between the Northern Triangle and the United States, the information provided in this chapter emphasizes the biggest obstacle—transit through Mexico.

B. MODE OF TRANSPORTATION

To conduct the journey, children have three options of travel: by foot, by bus, or by train. For many, *La Bestia*⁷¹ (the Beast) is really the only option for transiting through Mexico. Therefore, train is the most utilized mode of transport by migrants. Although

⁷⁰ Oscar Martinez, *The Beast: Riding the Rails and Dodging Narcos on the Migrant Trail* (New York: Verso, 2013).

⁷¹ *La Bestia* refers to cargo trains transporting a variety of products to the United States, including food, automobiles, transportation equipment, cement, chemicals, and plastics. The trains are operated by several private companies, including Compañía de Ferrocarriles Chiapas-Mayab in the south, Ferrosur de Mexico in the center of the country, Kansas City Southern de Mexico in the east, and FerroMex in the north.

Mexican children do not need to worry about documents, Central Americans must have a visa to travel to Mexico. Mexican officials patrol the roads, bus stations, and airports but not the cargo train, La Bestia, which proves to be a logical route for undocumented migrants.⁷² Figure 11 shows the different available routes, transited by La Bestia, that start at Tapachula and Tenosique, Mexico and end south of the U.S.–Mexico border in three locations—Nuevo Laredo, Chihuahua, and Sonora. These three locations correspond to Texas, New Mexico, and Arizona on the U.S. side.

Figure 11. The Beast Routes from Tenosique/Tapachula to the United States



Source: “Central American Migrants Face Grueling Journey North,” *Dallas Morning News*, accessed March 12, 2016, <http://res.dallasnews.com/interactives/migrantroute/>.

Before getting on a train, migrants from the Northern Triangle must initiate their travel from their homes to the border of Mexico. Crossing the border into Mexico is

⁷² Rodrigo Dominguez, “Central American Migrants and “La Bestia:” The Route, Dangers, and Government Responses” (Washington, DC: Migration Policy Institute, 2014), <http://www.migrationpolicy.org/article/central-american-migrants-and-la-bestia-route-dangers-and-government-responses>.

generally simple since it is lightly patrolled.⁷³ Once in Mexico, transients must go by walking or by vehicle to the closest train terminals at Tenosique or Tapachula, Mexico. At the train station, the journey north begins, and there are different stopping stations where migrants are helped and given provisions at shelters run by civil society organizations.⁷⁴ Upon reaching the U.S.–Mexico border, migrants must find ways to cross into the United States. The trains coming to the United States are subject to inspection and surveillance, which makes it impossible for migrants to continue their journey on top of the train. Once migrants disembark from the train, the next part of the journey comes into play: the crossing point.

C. BORDER CROSSING POINTS

The U.S.–Mexico border is approximately 1,933 miles in length.⁷⁵ The border is an international boundary that runs through four United States and six Mexican states. From west to east, the U.S. states along the border are: California, Arizona, New Mexico, and Texas. The Mexican states, also west to east, are Baja California, Sonora, Chihuahua, Coahuila, Nuevo Leon, and Tamaulipas. Figure 12 shows the U.S.–Mexico border map. According to the U.S. Border Patrol data, the areas where the highest numbers of children were apprehended from 2010–2014 are Nuevo Leon and Tamaulipas on the Mexico side of the border and Rio Grande and Laredo, Texas on the U.S. side.⁷⁶ So, why do the children choose that specific border crossing point (highlighted in Figure 12)?

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Janice Cheryl, *U.S. International Borders: Brief Facts* (RS21729) (Washington, DC: Congressional Research Service, 2006), 1.

⁷⁶ U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children.”

Figure 12. U.S.–Mexico Borderlands Showing South Texas–Northern Mexico Study Emphasis



Source: U.S. Geological Service, “U.S.–Mexico Border Environmental Health Initiative (Geology Component),” U.S. Geological Service, last modified March 25, 2014, <http://gec.cr.usgs.gov/projects/borderstudies/health.html>.

D. TOPSIS DECISION

The decision to use a specific crossing point involves numerous factors that each child evaluates based on her or his respective circumstances. Since the process deals with multi-decision making criteria, this study utilizes the technique for order preference by similarity to ideal solution (TOPSIS) method to determine the ideal geographical crossing point based on the criteria selected. The factors or criteria utilized for this study are divided into four areas: the journey, feasibility crossing, apprehension probability, and climate conditions. Each area contains two characteristics for consideration. See Appendix A for specific TOPSIS data.

1. Journey

Departing from one’s home country as a child and alone, must be one of the most difficult decisions to make. This area, the journey experience, explores two main characteristics: distance and the levels of violence along the route.

a. *Distance*

Although children are coming from the Northern Triangle and Mexico, this thesis considers distances starting from the border of Mexico and Guatemala, specifically from Tapachula, Mexico. The majority of the children utilize this train station as their starting

point because the one at Tenosique, Mexico requires longer travel through rough areas. As noted in Figure 13, there are three avenues of approach that children can take. The routes are known as the Pacific route, the Central route, and the Gulf route. Since children are travelling unaccompanied, distance, is the most important of the area's consideration for the journey. Avoiding violence, extortion, theft, and all the challenges that the journey represents, children often choose to take the shortest route. Taking the shortest route means less difficulties and less exposure to violence.

Figure 13. Principal Migration Routes Through Mexico



Source: "Principal Migration Routes across Mexico," *Periodico Internacional*, accessed March 2, 2016, <http://www.elperiodico.com/es/graficos/internacional/migraciones-mexico-eeuu-menores-4650/>.

b. Violence

Violence has long existed in Mexico, mainly because of the presence of many cartels. Fighting for turf control is very common among cartels and other criminal organizations. Mexico's southern borderlands are far more tranquil than its U.S. borderlands, which have experienced some of the country's highest levels of violent crimes in the past decade.⁷⁷ The most notorious abuses for migrants tend to happen further north and are related to drug trafficking, terrorism, and human trafficking.⁷⁸ This

⁷⁷ Adam Isacson, *Mexico's Other Border: Security, Migration, and the Humanitarian Crisis at the line with Central America* (Washington, DC: Washington Office of Latin America, 2014), 3.

⁷⁸ Ibid., 5.

criterion, violence, involves data from extortion, deaths, and kidnappings committed per 100,000 residents along the Mexico border states. Although distance was considered the most important characteristic of this area, violence may be highly rated based on an individual's experiences.

2. Feasibility of Going Across

The next aspect of the journey explores the probability of crossing into the United States from Mexico, opportunities available to cross the border, and any obstacles that children may face along the way. This area examines two characteristics: land imports through each crossing point, and the fence built along the border.

a. Land Imports through Crossing

According to a study conducted by the U.S. Department of Transportation, Mexico is the fourth largest trading partner with the United States.⁷⁹ Also, the majority of its imports to the United States are conducted via land transport, meaning that the amount of trucks and heavy vehicles coming through the south border is high. More traffic means more opportunities to cross, either through smuggling activities or just by openly crossing, due to the volume of vehicles attempting to enter in comparison with personnel managing incoming traffic.

b. Border Fence

In 2006, President George W. Bush signed the Secure Fence Act of 2006 into law.⁸⁰ The law's intent was to direct the Department of Homeland Security to build 700 miles of physical barriers along the Mexico-United States border to mitigate illegal entry into the United States through the southern border. As shown in Figure 14, the fence is not even half-way built and still allows free flow into the United States through some areas not secured. Children trying to cross into the United States definitely look for areas

⁷⁹ U.S. Department of Transportation, "National Gateway and Corridor Concepts," U.S. DOT Federal Highway Administration, December 2013, http://www.fhwa.dot.gov/planning/border_planning/gateways_and_corridors/gateway_ops/sec01.cfm.

⁸⁰ White House, "Fact Sheet: The Secure Fence Act of 2006," White House, October 2006, <http://georgewbush-whitehouse.archives.gov/news/releases/2006/10/20061026-1.html>.

where the fence has not been built, and the Rio Grande Valley-Tamaulipas/Nuevo Leon is one of those areas (see Figure 14).

Figure 14. Border Fence Construction Progress



Source: U.S. Department of Homeland Security and National Aeronautics and Space Administration in Jacques Billeaud "Fence Alone Can't Plug Porous Border: Often-breached Barrier Doesn't Stop Politicians from Citing It," *NBC News*, last modified May 28, 2010, http://www.nbcnews.com/id/37387658/ns/us_news-immigration_a_nation_divided/t/fence-alone-cant-plug-porous-border/#.ViqKonbn-U1.

3. Apprehension Probability

Upon reaching the border, it is important to know the number of agents at each location and the historical apprehension numbers. With this information, children can determine the best crossing point based on their intentions: apprehension or freedom. This area explores the number of U.S. Border Patrol agents by crossing sector and the number of apprehensions reported.

a. *Border Patrol Agents Presence*

For a rational illegal and undocumented actor, the decision to cross into the United States is to go where there are very few agents patrolling the area. However, generally, unaccompanied migrant children are not evading U.S. immigration authorities;

they are either being caught or deliberately turning themselves into the U.S. immigration agents.⁸¹ Generally, children would know the most patrolled areas based on smugglers information campaigns. Therefore, the number of agents at crossing points is looked at from what many consider an irrational point of view; however, since the children are looking to be apprehended, it makes complete sense to look for areas where the border has higher number of agents.

b. Apprehensions

Apprehension relates to the number of children apprehended up by U.S. Border Patrol agents from 2010–2014. As per Border Patrol data, the majority of the minors were apprehended at the Rio Grande Valley crossing zone; therefore, that sector is very appealing to future migrant children attempting to cross the U.S.–Mexico border because of their desire to be apprehended.⁸²

4. Climate Conditions

Throughout the journey north, children are exposed to different climate conditions. Exposure to extreme weather can result in injuries and a possibility of a trip cancellation due to health issues. This area analyzes the climate conditions at the crossing points from a high/low temperature perspective.

a. High Temperatures

The high temperature characteristic refers to the high temperatures found in all border sectors. The Mexico border states contain a wide spectrum of climates, from very hot desert areas to very cold and humid areas. Many of the children traveling north would not survive the journey if they have to go across desert areas with very few supplies. The preference choice for this criterion would be a comfortable climate where the temperature is not too hot and not too cold.

⁸¹ Daniel Costa, David Cooper, and Heidi Shierholz, “Facts about Immigration and the U.S. Economy,” Economic Policy Institute, August 2014, <http://www.epi.org/publication/immigration-facts/#unaccompanied-migrant-children>.

⁸² U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children.”

b. Low Temperatures

This characteristic refers to the low temperatures across all border sectors. Similar to the high temperatures, the low temperatures preference choice would be a comfortable climate where the temperature is not too cold and not too warm.

E. METHODOLOGY

This thesis uses the TOPSIS method⁸³ to illustrate why children decide to cross the U.S.–Mexico border at specific crossing points, while maintaining an emphasis on qualitative analysis for recommended solutions. A positive or ideal solution leads individuals, in this case the migrant children, to select the best choice when considering the different criteria or attributes available. The intent is to show, if in fact, after considering a number of different criteria that affect migrant children’s decision to go across the U.S.–Mexico border, the results support what we are seeing on the ground as far as the increase in numbers through a specific crossing point. The TOPSIS method is expressed in a succession of seven steps, which follow. The 7 steps are taken directly from Fox’s chapter in *Analyzing Risk through Probabilistic Modeling in Operations Research*.⁸⁴

Step 1: Create an evaluation matrix consisting of m alternatives and n criteria, with the intersection of each alternative (A) and criterion as x_{ij} , giving us a matrix (x_{ij}) $m \times n$.

⁸³ William P. Fox, “Multi-Attribute Decision Making in Risk Analysis,” in *Analyzing Risk through Probabilistic Modeling in Operations Research*, ed. Dariusz Jacek Jakóbczak. Hershey, PA: IGI Global, 2015), 255–302.

⁸⁴ Ibid.

$$D = \begin{bmatrix} & x_1 & x_2 & x_3 & \dots & x_n \\ A_1 & x_{11} & x_{12} & x_{13} & \dots & x_{1n} \\ A_2 & x_{21} & x_{22} & x_{23} & \dots & x_{2n} \\ A_3 & x_{31} & x_{32} & x_{33} & \dots & x_{3n} \\ \dots & \dots & \dots & \dots & \dots & \dots \\ \dots & \dots & \dots & \dots & \dots & \dots \\ A_m & x_{m1} & x_{m2} & x_{m3} & \dots & x_{mn} \end{bmatrix}$$

Step 2: The D then is normalized to form the matrix $R = (R_{ij})$ $m \times n$ as shown using the normalization method.

$$r_{ij} = x_{ij} \sqrt{\sum_{i=1}^m x_{ij}^2} \quad \text{for } i=1, 2, \dots, m \text{ and } j=1, 2, \dots, n.$$

Step 3: Calculate the weighted normalized decision matrix. Weights can come either from the decision maker or by computation.

Step 3a: Either use the decision maker's weights for the attributes x_1, x_2, \dots, x_n or compute the weights through the use of Saaty's analytical hierarchy process (AHP)⁸⁵ to obtain the weights as the eigenvector to the attributes versus attributes pairwise comparison matrix.

$$\sum_{i=1}^n w_i = 1$$

The sum of the weights' overall attributes must equal 1 regardless of the method used.

Step 3b: Multiply the weights to each of the column entries in the matrix from Step 2 to obtain the matrix, T.

$$T = (t_{ij})_{m \times n} = (w_j r_{ij})_{m \times n}, i = 1, 2, \dots, m$$

Step 4: Determine the worst alternative (A_w) and the best alternative (A_b): Examine each attribute's column and select the largest and smallest values appropriately. If the values imply larger is better (profit) then the best alternatives are the largest values and if the values imply smaller is better (such as cost) then the best alternative is the smallest value.

⁸⁵ "The Analytic Hierarchy Process," Universita di Siena, accessed May 14, 2016, http://www.dii.unisi.it/~mocenni/Note_AHP.pdf.

$$A_w = \{\langle \max(t_{ij} | i = 1, 2, \dots, m | j \in J_- \rangle, \langle \min(t_{ij} | i = 1, 2, \dots, m | j \in J_+ \rangle \} \equiv \{t_{wj} | j = 1, 2, \dots, n\},$$

$$A_{wb} = \{\langle \min(t_{ij} | i = 1, 2, \dots, m | j \in J_- \rangle, \langle \max(t_{ij} | i = 1, 2, \dots, m | j \in J_+ \rangle \} \equiv \{t_{bj} | j = 1, 2, \dots, n\},$$

where,

$J_+ = \{j = 1, 2, \dots, n | j\}$ associated with the criteria having a positive impact,
and

$J_- = \{j = 1, 2, \dots, n | j\}$ associated with the criteria having a negative impact.

If possible, make all entry values in terms of positive impacts.

Step 5: Calculate L-2. L-2 is the distance between the target alternative i and the worst condition A_w

$$d_{iw} = \sqrt{\sum_{j=1}^n (t_{ij} - t_{wj})^2}, i=1, 2, \dots, m$$

and the distance between the alternative i and the best condition A_b

$$d_{ib} = \sqrt{\sum_{j=1}^n (t_{ij} - t_{bj})^2}, i=1, 2, \dots, m$$

where d_{iw} and d_{ib} are the L2. Therefore, d_{iw} and d_{ib} are the norm distances from the target alternative i to the worst and best conditions, respectively.

Step 6: Calculate the similarity to the worst condition:

$$s_{iw} = \frac{d_{iw}}{(d_{iw} + d_{ib})}, 0 \leq s_{iw} \leq 1, i = 1, 2, \dots, m$$

$s_{iw}=1$ if and only if the alternative solution has the worst condition; and
 $s_{iw}=0$ if and only if the alternative solution has the best condition.

Step 7: Rank the alternatives to their value from s_{iw} ($i=1, 2, \dots, m$).

The two methods of normalization for dealing with criteria dimensions are linear normalization and vector normalization.⁸⁶

Normalization is calculated as in *Step 2* of the TOPSIS process. Vector normalization was incorporated with the original development of the TOPSIS method and is calculated using the following formula:

⁸⁶ Fox, "Multi-Attribute Decision Making in Risk Analysis."

$$r_{ij} = \frac{x_{ij}}{\sqrt{\sum x_{ij}^2}} \quad \text{for } i=1, 2\dots, m; j= 1, 2\dots, n$$

For determining the weights in Step 3, it is possible that the decision maker have a preferred weighting scheme for the analyst to use. If not, it is prescribed utilizing Saaty's nine-point pairwise strategy created for the analytical hierarchy process (AHP).⁸⁷

In Chapter IV, the results from the TOPSIS methodology are presented based on the criteria utilized and described above. For data information, please refer to Appendix A.

⁸⁷ “The Analytic Hierarchy Process.”

IV. RESULTS

A. STUDY DATA

This study seeks to identify the best geographical crossing point along the U.S.–Mexico border. Eight criteria have been established: distance, violence, land imports through crossing point, border fence, Border Patrol agents’ presence, number of apprehensions, high temperatures, and low temperatures—as Table 2 shows. Then, the researcher employed the TOPSIS method, following the seven steps outlined. Table 3 shows the weighted normalized decision matrix.

Table 2. Collected Data from Crossing Points

Mexico Crossing Border Sectors	2011-2014	2011-2014	Annual	Annual	1=Yes 0=No			
	Violence (Deaths)/Extortion /Kidnapping Per 100K residents	Route Distance from Mexico's southern border ("miles)	U.S. Border Patrol Apprehensions	Average Border Patrol Presence (Agents)	Average Temperatures High	Average Temperatures Low	Border Fence	Land Imports through Crossing Point (%)
Baja California	110	2579	213239	1870	97	59	1	4
Sonora	68	2268	476480	2537	89	62	1	2
Chihuahua	213	2082	43516	2652	68	36	1	6
Coahuila	90	1771	101409	1123	80	55	0	2
Nuevo Leon	107	1647	175723	1835	74	47	0	14
Tamaulipas	112	1523	567851	2800	84	67	0	3

Table 3. Criteria Weighting

Mexico Crossing Border Sectors	2011-2014	2011-2014	Annual	Annual	1=Yes 0=No			
	Violence (Deaths)/Extortion /Kidnapping Per 100K residents	Route Distance from Mexico's southern border ("miles)	U.S. Border Patrol Apprehensions	Average Border Patrol Presence (Agents)	Average Temperatures High	Average Temperatures Low	Border Fence	Land Imports through Crossing Point (%)
Baja California	0.211844478	0.075845208	0.028989322	0.049334715	0.021980896	0.013694373	0.017615834	0.013087326
Sonora	0.186298285	0.046886129	0.014494661	0.049334715	0.029821141	0.006847186	0.017615834	0.013752784
Chihuahua	0.171019854	0.146863903	0.043483983	0.049334715	0.031172907	0.020541559	0.017615834	0.007985487
Coahuila	0.145473661	0.06205517	0.014464661	0	0.013200292	0.006847186	0	0.01220005
Nuevo Leon	0.13528804	0.073776703	0.101462627	0	0.021569489	0.047930305	0	0.010425497
Tamaulipas	0.12510242	0.077224212	0.021741991	0	0.032912572	0.01027078	0	0.014861879

The positive ideal (A_b) and negative ideal (A_w) solutions were collected using equations from Step 4 and presented in Table 4.

Table 4. Positive and Negative Ideal Solutions

Solution	Violence (Deaths)/Extortion /Kidnapping Per 100K residents	Route Distance from Mexico's southern border (~miles)	U.S. Border Patrol Apprehensions	Average Border Patrol Presence (Agents)	Average Temperatures High	Average Temperatures Low	Border Fence	Land Imports through Crossing Point (%)
Positive Ideal	0.211844478	0.146863903	0.101462627	0.049334715	0.032912572	0.047930305	0.017615834	0.014861879
Negative Ideal	0.12510242	0.046886129	0.014464661	0	0.013200292	0.006847186	0	0.007985487

The ranking of the alternatives derived from the equation on Step 7 and presented in Table 5. The fifth alternative (Nuevo Leon) is considered the best geographical crossing point for children to take in order to be successful at crossing the U.S.–Mexico border and completing the journey north prior to being apprehended.

Table 5. Closeness Coefficient and Rank

Mexico Crossing Border Sectors	RC_i^*	Rank
Baja California	0.375787636	5
Sonora	0.478582483	4
Chihuahua	0.301048713	6
Coahuila	0.512083461	3
Nuevo Leon	0.714407115	1
Tamaulipas	0.538855781	2

B. CHAPTER CONCLUSION

This study has found that children select the shortest route as their primary concern. Because of the danger encountered along the routes, hardly any child migrants from the Northern Triangle or Mexico follow the central or Pacific routes. Distance is always a critical factor for child migrants when selecting routes.⁸⁸ When selecting a specific geographical location to cross the U.S.–Mexico border, children must be aware of all the risks associated with the decision; however, they are often not aware of all the risks. A minimal mistake can and sometimes does end up in death. As Oscar Martinez

⁸⁸ Martinez, *The Beast*, 148.

notes, “The difference between knowing and not knowing is patience and hard work.”⁸⁹ Unfortunately, in the case of migrating children, they do not have the time to delay their decisions until they know everything they need to know.

As the children’s motivation to conduct the journey north is influenced by the notion of better opportunities and the possibility of staying in the United States, then, the ranking results provided by TOPSIS methodology found that the fifth alternative (crossing at, Nuevo Leon) provides the best reward for the individual. Even when manipulating the weighting criteria to identify possible differences of importance by individuals, the results did not change; Nuevo Leon crossing is still the best choice. Options number 1 (Nuevo Leon), and option number 2 (Tamaulipas) are the best options, according to the criteria selected, for children who decide to cross to the United States. Based on the number of children apprehended at the Rio Grande Valley, this study supports that location as the best crossing point. The results strongly support the data provided by the U.S. Border Patrol, which identifies the Rio Grande Valley, Texas (U.S. side of the border) and Tamaulipas/Nuevo Leon (Mexico side) as the highest geographical crossing point for unaccompanied minors from the Northern Triangle and Mexico. A comprehensive approach and strategy must be redacted to stop the flow of children through these geographical crossing points. Also, “La Bestia” is a critical method of transportation that needs to be addressed. The inaction of the Mexican government in searching and patrolling the train and its routes promotes a viable option of travel through Mexico.

Although there are many explanations as to why that specific crossing point is chosen, the TOPSIS methodology confirms that no matter the criteria utilized to determine the best crossing sector, the majority of the time, children select the same crossing point. In dealing with this problem, the response from the United States has been to increase the number of border patrol agents; however, that action shows that the more agents, the more children are apprehended. Therefore, what the United States is doing is not lowering the number of children coming across, and a more comprehensive strategy

⁸⁹ Ibid., 264.

must be implemented in order to provide results that show a decrease in unaccompanied children coming across the Nuevo Laredo/Rio Grande crossing points.

This first part of the thesis presented the problem and the journey that children endured in trying to look for better economic opportunities and avoid violence. Children's migration is a result of fragile and corrupt state institutions that lack the ability to address causes of violence and provide security for their citizens. The states' inaction leaves a vacuum that is filled by powerful criminal organizations that rule to their own benefit. At a Western Hemisphere forum hosted by the National Defense University, Doug Farah stated, "There is a need for socializing rather than criminalizing approaches in the Northern Triangle. Gangs and criminal organizations are a reaction to social factors like exclusion. Gangs and many of these groups must be factored in discussions of national security."⁹⁰ Now that the children have reached the border, let's look at what the United States is doing to address the problem.

⁹⁰ Western Hemisphere Forum, "Evolving Threats in Central America: Forecasting an Uncertain Future," Western Hemisphere Forum, April 2016, http://original.livestream.com/chds/video?clipId=pla_9a49830d-71ac-48ae-9875-8c18800f6625&utm_source=lslibrary&utm_medium=ui-thumb.

V. APPREHENSION PROCESS

Prior to 2002, the responsibility of apprehension and treatment of unaccompanied children fell under the Immigration and Naturalization Service's (INS) jurisdiction. The main policy of the INS was detention, while releasing a child to a responsible adult was the exception. The INS policy toward children apprehended limited release of a child to a "parent or legal guardian" except in "unusual circumstances."⁹¹ This policy granted immediate detention, limited process of registry, and eventual deportation to immigration agencies of children's home countries. As a result of this policy, the agency received a lot of criticism for its treatment of apprehended children. After a series of lawsuits challenging INS treatment of children—in particular, the routine strip and body searches,⁹² the lack of a probable cause hearing on deportability, the lack of a proper custody hearing on releasing minors to third party adults, and the absence of an independent review of the detention policy for the sole purpose of ensuring appearance in court proceeding⁹³—advocates' allegations resulted in great scrutiny from lawmakers.

In 1997, the Flores Settlement Agreement (FSA) was the consequence of over 10 years of suit with respect to the Immigration and Naturalization Service's detainment approach for unaccompanied children.⁹⁴ The agreement required all INS detention facilities to provide education, visitation, recreation, and the segregation of detained minors from unrelated adults.⁹⁵ In response to the INS allegations, Judge Thomas Tang wrote, "Liberty is the norm: detention and restraint by the state is the exception. To operate otherwise makes a mockery of government of the people and by the people...and

⁹¹ Joseph M. Makalusky, "Reno v. Flores: A Violation of International Law?" *New England Law Boston* 2, no. 1 (1996), http://www.nesl.edu/userfiles/file/nejcl/vol2/reno.htm#N_1_.

⁹² Lutheran Immigration and Refuge Service, "Flores Settlement Agreement & DHS Custody" (Baltimore, MD: Lutheran Immigration and Refuge Service, 2014), <http://lirs.org/wp-content/uploads/2014/12/Flores-Family-Detention-Backgrounder-LIRS-WRC-KIND-FINAL1.pdf>.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ "Case 2:85-cv-04544-RJK," Clearinghouse, January 26, 2004, <http://www.clearinghouse.net/chDocs/public/IM-CA-0002-0003.pdf>.

ignores the very substance of the Bill of Rights.”⁹⁶ The comments made by Judge Tang were an open statement highlighting the INS wrongdoings involving children. Even though the INS was directed by law to follow the agreement, complaints by advocate groups did not stop. In 2001, four years after the agreement was completed, the Office of the Inspector General published a report demonstrating violations of the FSA committed by the INS.⁹⁷ Urged by advocacy groups and the public to respond aggressively, the U.S. Congress decided to act.

In 2002, the U.S. Congress dismantled the Immigration and Naturalization Services (INS) and transferred enforcement functions to Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE). Both of these entities were consolidated by the passage of the Homeland Security Act of 2002 under one federal agency, the newly created Department of Homeland Security (DHS). With the closure of INS, the obligation regarding the consideration, authority, and situation of unaccompanied children were sent to the Department of Health and Human Services (DHHS), particularly its subordinate agency the Office of Refugee Resettlement (ORR).⁹⁸ Upon classification of children (age, country of origin, who will stay, and who will be deported), the Department of Justice (DOJ) assumes jurisdiction on adjudicating immigration cases, including removal proceedings.⁹⁹ These three departments (DHS, DHHS, and DOJ) are the U.S. agencies responsible for the unaccompanied children’s journey throughout the immigration process. Within each agency, there are specific departments in charge for the care, guardianship, and placement of unaccompanied children. Figure 15 shows the hierarchy of the three agencies responsible for the process.

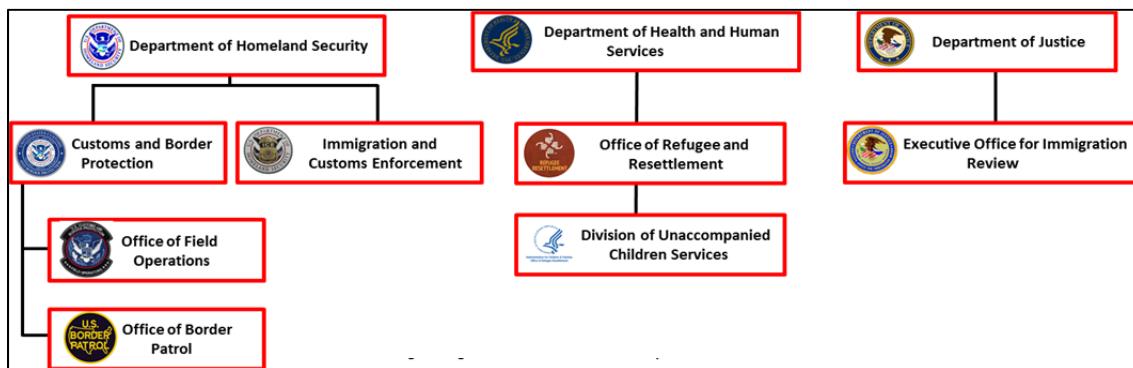
⁹⁶ “Flores by Galvez-Maldonado V. Meese,” Case Text, accessed February 21, 2016, <https://casetext.com/case/flores-by-galvez-maldonado-v-meese-3#wecite>.

⁹⁷ U.S. Department of Justice, Office of the Inspector General, *Unaccompanied Juveniles in INS Custody* (Report no. I-2001-009) (Washington, DC: U.S. Department of Justice, 2001), Executive Summary.

⁹⁸ Olga Byrne, “Unaccompanied Children in the United States: A Literature Review,” Vera Institute of Justice, 2008, http://www.vera.org/sites/default/files/resources/downloads/UAC_literature_review_FINAL.pdf, 16.

⁹⁹ Kandel and Seghetti, *Unaccompanied Alien Children*, 10.

Figure 15. Agencies that Interact with Unaccompanied Children



A. CUSTOMS AND BORDER PROTECTION

The biggest law enforcement organization of the U.S. Department of Homeland Security is U.S. Customs and Border Protection (CBP), and it is charged with controlling and facilitating international exchange, gathering import obligations, and implementing controls regarding trade, customs, and immigration.¹⁰⁰ CBP's primary responsibility is to protect the borders and ports of entry of the United States. This responsibility is divided between two subordinate agencies: the Office of Border Patrol (OBP), and the Office of Field Operations (OFO). The OBP protects the United States' borders by preventing undocumented persons, smugglers, and any contraband from entering the United States, while the OFO processes the persons, goods, and conveyances entering and leaving the nation.¹⁰¹ A coordinated effort between these two agencies is necessary to maximize the effectiveness of law enforcement practices in the U.S. border areas.

B. IMMIGRATION AND CUSTOMS ENFORCEMENT

The primary mission of U.S. Immigration and Customs Enforcement (ICE) is “to promote homeland security and public safety through the criminal and civil enforcement

¹⁰⁰ Immigration Policy Center, “Authority of U.S. Customs and Border Protection Agents: An Overview,” 2012, http://www.immigrationpolicy.org/sites/default/files/docs/CBP_Overview_022112.pdf.

¹⁰¹ Betsy Cavendish, and Maru Cortazar, “Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors,” Appleseed, 2011, <http://appleseednetwork.org/wp-content/uploads/2012/05/Children-At-The-Border1.pdf>, iv.

of federal laws governing border control, customs, trade, and immigration.”¹⁰² ICE was established in 2003 as the biggest investigative organization of the DHS responsible of administering the country’s immigration system.¹⁰³ The agency’s largest single area of responsibility is immigration enforcement. The focus of ICE’s enforcement infrastructure is within the U.S. interior to remove deportable illegal adults and/or minors. In this case, ICE agents are responsible for the apprehension of children inside the United States, transportation to shelters, and any other support that requires transfer procedures inside the homeland.

How does a DHS agent process an individual once they are apprehended? When an individual appears to be a minor, the initial step is to determine if he/she is less than 18 years old. If DHS agents determine that the individual apprehended is 18 years old or younger, then the institution has three to five days to transfer the child to the ORR.¹⁰⁴ Once under ORR custody, the child’s situation must be assessed to determine which form of legal relief can be granted. If determined that the individual is not classified as 18 years old or younger, the deportation process begins.

C. OFFICE OF REFUGEE RESETTLEMENT

The Office of Refugee Resettlement is responsible of providing new populaces the chance to amplify their potential in the United States.¹⁰⁵ Among the new populations targeted by the ORR are those in the Unaccompanied Children Program. To support this new population, the ORR created a program under the Division of Unaccompanied Children Services (DUCS) Office. The program accommodates for the guardianship and care of unaccompanied minors who have been captured by ICE, CBP, or any other federal agency. Following the establishment of the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, the ORR was required to develop a plan ensuring

¹⁰² U.S. Immigration and Customs Enforcement, “What We Do,” accessed January 12, 2016, <http://www.ice.gov/overview>.

¹⁰³ U.S. Immigration and Customs Enforcement, “What We Do;” U.S. Immigration and Customs Enforcement, “History,” accessed January 14, 2016, <http://www.ice.gov/history>.

¹⁰⁴ Byrne, *Unaccompanied Children in the United States*, 17.

¹⁰⁵ Office of Refugee Resettlement, “What We Do,” Office of Refugee Resettlement, accessed January 12, 2016, <http://www.acf.hhs.gov/programs/orr/about/what-we-do>.

legal counseling for all children, oversee the infrastructure and personnel of UAC residential facilities, and most importantly, screen each child to identify victims of trafficking in persons.¹⁰⁶ The screening provides a base of legality for the processes that each child could possibly apply for in obtaining a form of relief to stay in the United States.

D. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

The Executive Office for Immigration Review's essential mission is "to adjudicate immigration cases in a careful and timely manner, including cases involving detained aliens, criminal aliens, and aliens seeking asylum as a form of relief, while ensuring the standards of due process and fair treatment for all parties involved."¹⁰⁷ Although productivity and timeliness adjudicating immigration cases is part of the office's goals, the number of children requiring services is overwhelming. An immigrant children's advocate from Chicago states, "Children are required to find their own lawyers, appear in court, with or without an attorney, and navigate the complex U.S. immigration system alone."¹⁰⁸ Not having an attorney available to represent each child complicates the process of properly identifying causality for a humanitarian form of relief to avoid immediate deportation/removal.

E. LEGAL FORMS OF RELIEF

The types of help accessible to unaccompanied children include: asylum, withholding from removal and protection below the United Nations Convention against Torture (CAT), Special Juvenile Immigrant Status (SIJS), a T-visa, and/or a U-visa.¹⁰⁹

¹⁰⁶ Kandel, and Seghetti, *Unaccompanied Alien Children*, 8.

¹⁰⁷ U.S. Department of Justice, "About the Office," accessed February 26, 2016, <http://www.justice.gov/eoir/about-office>.

¹⁰⁸ Young Center for Immigrant Children's Rights, "Child Migrants," accessed March 2, 2016, <http://theyoungcenter.org/learn/child-migrants/>.

¹⁰⁹ Garcia, *Unaccompanied Children*, 3.

1. Asylum

Although asylum is a form of relief available to unaccompanied children, this relief presents many problems when applying it to a child. The law is designed to be applicable to adults, considering a child as a property of a sponsor figure over 18 years old. In the absence of a sponsor, many cases of asylum requested for unaccompanied children have been dismissed due to non-applicability. In order to be applicable to a child, he/she must fall within the definition of a refugee written under the Immigration and Nationality Act (INA):

any person who is outside any country of such person's nationality and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.¹¹⁰

The fact that these children are often unable to explain their motivations as fear of persecution makes it very difficult for lawyers to request asylum.

2. Convention against Torture

The Convention against Torture (CAT) protection is granted for individuals who have encountered or fear torture by their governments or by any non-state actor within their home countries' boundaries.¹¹¹ To be eligible for this form of protection, the child must articulate their experiences in front of a special judge, an experience that, for most children, is very intimidating.

3. SIJS Status

SIJS status “is granted for children who have been victims of abuse, abandonment, or neglect.”¹¹² This type of status is for someone considered a “street child,” who has no one to be responsible for her or his care. Once SIJS is granted, it

¹¹⁰ Byrne, *Unaccompanied Children in the United States*, 27.

¹¹¹ Garcia, *Unaccompanied Children*, 3.

¹¹² Byrne, *Unaccompanied Children in the United States*, 31.

allows certain undocumented and unaccompanied children to acquire legal and permanent residency in the United States.¹¹³

4. T-Visa

In 2000, the U.S. Congress approved the Victims of Trafficking Protection Act intended to indict traffickers and ensure protection to victims.¹¹⁴ A T-visa is “offered to children who have been victims of trafficking.”¹¹⁵

5. U-Visa

A U-visa is offered to children who have been victims of all other criminal acts and will cooperate with law enforcement agents in criminal investigations.¹¹⁶ In granting any of these types of help for unaccompanied children, legal access or representation must be available. With the recent increase of unaccompanied and undocumented children, the American Bar Association has acknowledged that the lack of representation for these children hinders the ability for a fair case because of the children’s inability to effectively represent themselves in court.¹¹⁷ Accessibility to legal representation must be available in order to provide the necessary tools for a fair and balance process. While children are waiting for legal processes, the goal of the ORR is to release them to a sponsor. One of ORR’s foremost obligations is to enforce the Flores settlement act rules that mandates timely release of children to an endorsed sponsor that guarantees the kid’s appearance in court as necessary.¹¹⁸

6. ORR Options

The following options are assessed during the ORR screening process.

¹¹³ Ibid., 30.

¹¹⁴ Garcia, *Unaccompanied Children*, 3.

¹¹⁵ Ibid., 3.

¹¹⁶ Ibid., 3.

¹¹⁷ Byrne, *Unaccompanied Children in the United States*, 35.

¹¹⁸ Olga Byrne and Elise Miller, “The Flow of Unaccompanied Children through the Immigration System,” Vera Institute of Justice, 2012, <http://www.vera.org/sites/default/files/resources/downloads/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf>, 17.

a. Family Reunification

The established preference for release under the family reunification program follows this order: parents, adult relatives, parent's representatives, and ORR assigned representative.

b. Foster Care

The foster care program has four different choices (short-term, long-term, extended group care, and therapeutic) available for children based on their needs. Short-term care is one of the options offered to children who need a sponsor for just a short period until the legal case is reviewed and adjudicated. This category is mainly filled by children between eight and 13 years old who have relatives (extended family) living already in the United States and able to care for them. The next option is long-term care. Long-term care is offered to children whose case is still unknown, mainly those for whom more information is needed in order to make a determination about the possibility of them remaining in the United States. The next option is the extended group care, which is offered to children who must remain with foster care support after their eighteenth birthday. The program provides support for children from 18–21 years old, allowing them to continue to go school, adapt, and find a job to sustain themselves. The last option is therapeutic care; this type of care is provided to children who needs more personalized attention based on age, psychological profile, and mental aptitude. Assignment and placement is determined by the agency's screening process.

c. Voluntary Departure

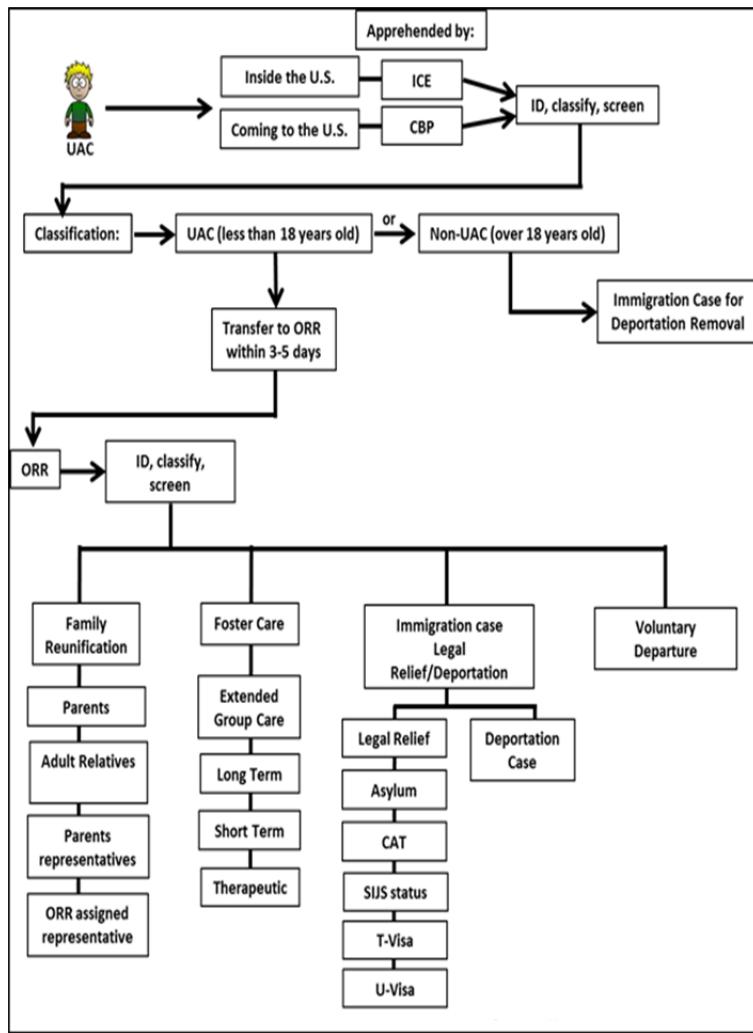
Unaccompanied children who go back to their countries can do so voluntarily. Most kids qualified for “voluntary departure under the TVPRA and need not pay for transportation to their home countries.”¹¹⁹ This practice has been highly criticized by anti-immigration advocates because many criminals (child with criminal records) take advantage of the law and get a free ticket home paid for by U.S. taxpayers.

¹¹⁹ Ibid., 26.

Figure 16 shows the apprehension process. Initially, children could be apprehended by either ICE or CBP agents, depending on their location. If children are trying to enter the United States via the U.S.–Mexico border, CBP agents are responsible for the children’s apprehension; however, if children are apprehended inside the United States, ICE agents are responsible. Once the child is apprehended, CBP or ICE agents conduct the initial screening, mainly through interviews. If a child is determined to be less than 18 years old, the screening process turns into a time pressure event because under the Trafficking Victims Protection Reauthorization Act of 2008, unaccompanied children must be transferred to the Division of Child Services in the ORR within three to five days after apprehension. When children arrived in ORR custody, screening processes begin to determine each child status and options available to remain in the United States. The process is applied to all children deemed unaccompanied and under 18 years of age. One exception is made to unaccompanied children from contiguous countries (in our case: Mexico). Under the current law (TVPRA), “children from contiguous countries are screened within 48 hours of being apprehended to determine whether they should be returned to their country or transferred to HHS and placed in removal proceedings” (see Figure 16).¹²⁰

¹²⁰ Kandel and Seghetti, *Unaccompanied Alien Children*, 4.

Figure 16. Apprehension Process



F. CHAPTER CONCLUSION

The majority of these agencies dealing with the children's immigration/deportation processes were created as a result of the Flores Settlement Act of 1997 in response to the accusations of INS rights violations. Even after 18 years of the agreement, some of its major provisions have not been fully implemented. Even though the care of children must be the top priority of these agencies, there have been serious allegations about the ORR mistreatment of children under its custody. The Office of Refugee Resettlement depends on state childcare personnel and local police to identify and report mistreatment of children in its care, rather than reporting to the Federal Bureau of

Investigation (FBI) any genuine accusations. When local authorities are responsible for their own investigations, criminal cases associated with children have disintegrated as a result of incompetent investigator work, communication gaps with government authorities, and jurisdictional disarray.¹²¹ No ORR representative has ever been arraigned under a 2008 federal provision, which specifically highlight inappropriate contact with a detainee in ORR's facilities a lawful offense.¹²² Allegations such as this one makes the program untrustworthy in the eyes of the U.S. taxpayers and makes public opinion an obstacle for lawmakers to fund the program and increase support for it.

The apprehension process must be a seamless procedure in which all agencies involved cooperate and communicate effectively to properly enforce the law. In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) to encourage cooperation and collaboration among law enforcement agencies. However, after 9/11, the priority of law enforcement agencies has been in identifying undocumented immigrants who are deemed criminal or terrorist threats, and non-threatening individuals are not considered a priority. Since children are not considered a priority unless they have a criminal record, ICE will not support state law enforcement agent's prosecution of undocumented aliens. These events have led to a lack of trust between state and federal immigration law enforcement agencies.

The problem lies in the fact that ICE does not have a reliable system of identifying who is a threat to the United States. For many state law enforcement agents, ICE is simply deporting anybody whom it views as suspicious. The Immigration and Policy Center report states, "Not only is ICE deporting people who aren't a threat, but it's deporting many of them in ways that don't respect the full range of legal rights which form the basis of the U.S. criminal justice system."¹²³ This statement clearly illustrates the lack of cooperation and collaboration between the agencies responsible for enforcing

¹²¹ Susan Carroll, "Crossing Alone: Children Fleeing to U.S. Land in a Shadowy System," *Houston Chronicle*, May 24, 2014, <http://www.houstonchronicle.com/news/investigations/article/Crossing-alone-Children-fleeing-to-U-S-land-in-5503127.php>.

¹²² Ibid.

¹²³ American Immigration Council, "Misplaced Priorities: Most Immigrants Deported by ICE in 2013 Were a Threat to No One" (Washington, DC: American Immigration Council, 2014), http://www.immigrationpolicy.org/sites/default/files/docs/misplaced_priorities_march_2014.pdf.

immigration policies and state law enforcement agents, which creates a great deal of concern for policymakers. Among the worries referred to by policymakers are the burden on restricted resources, the undermining of the overall population well-being, the obliteration of families, and the flawed defendability of ICE personnel.¹²⁴

Each federal agency has its own set of priorities, which many times do not correlate to the priorities of states/nations. If we want to achieve success regarding immigration, all U.S. agencies must commit to the same priorities by enforcing the law through coordination and collaboration, not only within the United States, but also with foreign law enforcement agencies from neighboring countries. Upon apprehension, children are shuttled between DHS, DHHS, and DOJ, which requires the judgement of many personnel from immigration enforcement, citizenship services, state and federal courts, police, non-governmental organizations, and others. A system of integration must ensue in order to achieve due process to amplify children's well-being and to mitigate punitive effects. The process is achievable through coordination and collaboration inside custodial facilities. Can a comprehensive approach be achieved within the construct of our immigration agencies? It is possible, but a mandate must come from congressional law.

¹²⁴ Catholic Legal Immigration Network, "States and Localities that Limit Compliance with ICE Detainer Requests," Catholic Legal Immigration Network, 2014, https://cliniclegal.org/sites/default/files/anti-detainer_policies_11_21_14.pdf.

VI. DETENTION AND CURRENT POLICY

A. CHAPTER INTRODUCTION

The issues of detention and current policy are interconnected. Detention norms and regulations are driven by policy. Prior to releasing authority for the care and custody of unaccompanied children, the Immigration and Naturalization Service (INS) focused its efforts in detaining all children violating immigration laws and making the release of children to responsible sponsors an exception.¹²⁵ This effort culminated with the U.S. government dismantling of the INS and transferring authority to the Department of Health and Human Services (DHHS). As mentioned in Chapter V, due to all the reported abuses committed by the INS against children in custody, the U.S. Congress was forced to create policy in order to address the problem. The mandate created the Office of Refugee and Resettlement (ORRs) under the DHHS, which child services office took responsibility for the care and treatment of unaccompanied children (UAC).

The philosophy was to place UAC within “a non-institutional, home-like atmosphere of care in the least restrictive setting” and for services be administered in a child-friendly environment.¹²⁶ Although ORR policy established the least restrictive setting for the placement of children, it did not have the resources necessary to accommodate policy and was forced to continue with detention practices placing the children in different categories based on initial screening information. According to critics of detention practices in the United States, detention must not be the solution to accommodate children’s necessities. The Flores v. Meese case established that

Policies constructed to deal with the confinement of children at both the state and federal levels have recognized the practical need to avoid institutional detention where less restrictive means are available. It is the

¹²⁵ Makalusky, “Reno v. Flores.”

¹²⁶ U.S. Department of Health and Human Services, “Children Entering the United States Unaccompanied: Placement in ORR Care Provider Facilities,” Office of Refugee and Resettlement, 2015, <http://www.acf.hhs.gov/programs/orr/resource/children-entering-the-united-states-unaccompanied-section-1#1.3>.

states, rather than the federal government, which are primarily responsible for child welfare issues.¹²⁷

This case created separation between state and federal law enforcement agents because it required a state heavy involvement in what states considered a federal problem. Therefore, policies must be reviewed to understand detention practices and the current policy that affects the unaccompanied children population coming from Mexico and the Northern Triangle.

B. DETENTION

Are children from Mexico and the Northern Triangle traveling thousands of miles only to end up in detention? The simple answer to this question is: no. Children undertake the journey in order to escape violence; therefore, as a result, a peaceful environment will provide better opportunities. In the documentary *Living on One Dollar*, the producer Zach Ingrasci shows the difficult daily lives of the people in rural Guatemala. He experiences “hunger, parasites, and extreme financial stress as he attempts to survive life on the edge”—as a Guatemalan would.¹²⁸ During his journey, Ingrasci bonds with local families and was able to understand the difficulties that the local families have in trying to make it through each day. The families in the communities had to choose between sending their children to school and making them work in order to survive. This situation is common throughout rural communities in Mexico and the Northern Triangle, and is one reason children decide to leave and look for better opportunities. If children know that they will be apprehended and kept in detention facilities, they will be less likely to conduct the journey, since being detained does not provide opportunities to find a job.

While conducting an interview with an undocumented child in U.S. custody, Susan J. Terrio found youths were advised by smugglers to lie about their age and nationality because the United States detains underage migrants in jail for years, does not

¹²⁷ “Flores by Galvez-Maldonado V. Meese,” Case Text.

¹²⁸ *Living on One Dollar* from 2013 is a documentary that follows the journey of four friends as they set out to live on just \$1 a day for two months in rural Guatemala. It shows the daily difficulties of life for Guatemalans living in rural communities.

allow them to work, and never gives them legal status.¹²⁹ Smugglers adjust their information campaign based on the behavior of the U.S. authorities. Since 2011, the increase of undocumented children apprehended at the border has overwhelmed the system. Even today, the custodial system is plagued with problems. The massive bureaucratization of custody has produced systemic deficits, including lack of coordination in data collection and tracking, loss or inappropriate sharing of confidential information, unnecessary delays, and others problems.¹³⁰

Once a child is apprehended, screened by ICE or CBP agents, and transferred to ORR facilities, the ORR agents, known as the intake team, conduct an additional screening to determine the level of risk that a child poses to himself/herself and to others. Based on the result of this latest screening, children are placed into a tiered system of detention facilities organized by three security levels—low, medium, and high.

Figure 17 shows the key shelters locations throughout the United States. It is important to highlight the point that after the intake team determines each child placement, availability of space from these shelters is required. Once shelter availability is found, ICE personnel transfer the child to the available shelter space, and in many instances, shelters are far away from the location where children were apprehended. Upon the child's arrival at the shelter, the process for determining available relief to stay in the United States or deportation proceedings begins. The entire process lasts anywhere from 30 days to a year and a half.¹³¹ The process delays the children prospects for work to help their families back home. Is the United States doing the right thing according to the law and current policy?

¹²⁹ Susan J. Terrio, *Whose Child Am I?: Unaccompanied, Undocumented Children in U.S. Custody* (Oakland, CA: University of California Press, 2015), 46.

¹³⁰ Ibid., 70.

¹³¹ Byrne and Miller, *The Flow of Unaccompanied Children*, 14.

Figure 17. Shelter Locations in The United States



Source: "One Media Outlet Catching On To Massive Governmental Non-Profits Housing The Unaccompanied Alien Minors—'Southwest Key' Under Review," posted July 22, 2014 by Sundance, *The Last Refuge*, <http://theconservativetreehouse.com/2014/07/22/one-media-outlet-catching-on-to-massive-governmental-non-profits-housing-the-unaccompanied-alien-minors-southwest-key-under-review/>.

C. CURRENT POLICY

While violence and poverty are compelling cases for explanations in the rise of undocumented children since 2011, the U.S. policy toward child immigration bears a great deal of responsibility. Existing laws, provide incentives for children trying to leave their home countries instead of working as a deterrent mechanism. Pursuing better system procedures and treatment of unaccompanied children, the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 has created unintended consequences. Under this law, unaccompanied children from Central American countries (e.g., the Northern Triangle) are placed under judicial proceedings through which an immigration judge determines their eligibility for relief or deportation. For Mexican children, the assessment for deportation is immediate (within 48 hours). Thus, the TVPRA has established a two-track system. Unaccompanied Mexican children are usually subject to fast extradition and those from Central America who stay in the United States pending immigration court

hearings that could be months or more away.¹³² With new policy, smugglers immediately adapt to a narrative advertising their services. Also, this action of policy explains or is likely one of the reasons for the sharp increase in Central American minors over any other demographic of unaccompanied children. The next sections discuss how the United States got to the approval of the TVPRA of 2008.

1. Flores Settlement Act of 1997

The problems that led to the Flores and Settlement Act (FSA) of 1997 began in 1985 when two human rights organizations filed a lawsuit against the INS process for detainment, care, and discharge of unaccompanied children in detention.¹³³ After many years of litigation between human rights organizations that joined the movement and the INS, a settlement was reached. The settlement required the INS to abide by three categories. First, it was required to release children without any delay in the process; secondly, it had to assign the children to the least restrictive setting; and third, it had to execute measures for suitable consideration and treatment of children in detainment.¹³⁴ Among the third category was the requirement to provide education, visitation, recreation, and the segregation of detained minors from unrelated adults.¹³⁵ Even though the INS agreed upon all the requirements, the agency failed to deliver and more negative allegations surfaced. In 2001, many years after the initial lawsuit, an inspector general investigation reported many violations committed by the INS that encouraged Congress to enact the Homeland Security Act of 2002.

2. Homeland Security Act of 2002

A major result of the Homeland Security Act (HSA) was to divide the obligations regarding the handling and treatment of unaccompanied children between the Department

¹³² Rosenblum, *Unaccompanied Child Migration*, 14.

¹³³ Jessica G. Taverna, “Did the Government Finally, Get it Right? An Analysis of the Former INS, the Office of Refugee Resettlement and Unaccompanied Minor Aliens’ Due Process Rights,” *William & Mary Bill of Rights Journal* 12 (2004): 939–978.

¹³⁴ Areti Georgopoulos, “Beyond the Reach of Juvenile Justice: The Crisis Facing Unaccompanied Immigrant Children Detained by the United States,” *Law and Inequality Journal* 23 (2004): 117–155.

¹³⁵ Clearinghouse, “Case 2:85-cv-04544-RJK,” Clearinghouse, January 26, 2004, <http://www.clearinghouse.net/chDocs/public/IM-CA-0002-0003.pdf>.

of Homeland Security (DHS) and the Department of Health and Human Services (DHHS). The HSA act determined that DHS was responsible for the apprehension, transfer, and repatriation procedures of children, and that the DHHS was responsible for coordinating, implementing care and placement, reunifying child with a sponsor, maintaining a list of legal services, and collecting statistical information for all children.¹³⁶ After the implementation of the HSA of 2002, many critics kept advocating for reform with allegations that the Flores Settlement Act had not been fully implemented and that there were still many violations of children's rights committed by these newly created agencies.¹³⁷ Based on these allegations, Congress passed the TVPRA of 2008. This law quickly generated complaints by advocate groups. Its intent was to protect unaccompanied children from Mexico and the Northern Triangle; however, it created a bias road where the law seems to benefit only some children—based on their country of origin.

D. CHAPTER CONCLUSION

The issue of detention and policy has been revised by Congress since the 1980s. The initial reform was enacted under the Flores Settlement Act of 1997 after many years of litigation. Then came the enactment of the Homeland Security Act of 2002, which divided the responsibilities for processing and treatment of unaccompanied children. Finally, the TVPRA of 2008 was enacted, which created a distinction between children from Central America and Mexico. Although efforts have been made in trying to alleviate the procedures and systems of an overwhelming problem facing the U.S. immigration agencies, advocates, and critics continue to look for reforms. As noted before, detention practices are only changed through the passage of policy, if not, the “status quo” remains. Finally, there are three aspects of reform that must occur to deal with the detention problem of unaccompanied children coming to the United States. First, there must be policy reform to either apply the same rules to all children or find a different approach. Secondly, the United States obviously is losing the information campaign to smugglers;

¹³⁶ Kandel and Seghetti, *Unaccompanied Alien Children*, 8.

¹³⁷ Ibid.

therefore, once a policy reform is enacted, the United States must push an information operations campaign that prevents unintended consequences, such as countering the smuggler's information push to bring migrants to United States under deception practices. Third, the United States should analyze if the continuation of detention practices of unsustainable numbers of UAC who will be released to families or a sponsor makes sense.¹³⁸ Why spend all the money in providing good care, education, legal advice, and other amenities? The United States is a nation of law-abiding citizens, and it is mandatory that everybody coming to the United States understand that. If not, chaos will ensue, and we will continue to see massive immigration of undocumented children looking for better opportunities.

¹³⁸ Terrio, *Whose Child Am I?*, 204.

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VII. CONCLUSION AND RECOMMENDATION

A. SUMMARY

Violence levels in Mexico and in the Northern Triangle—Guatemala, Honduras, and El Salvador—have transformed the region into one of the most dangerous locations in the world. The reality of crime, violence, and lack of public and personal security in the Northern Triangle is horrible for much of the population, and it is not improving. These two factors—violence and security—are the push factors influencing children’s decision to leave their homeland. Although children’s migration literature often mentions poverty as one of the main drivers of migration, it does not provide details as to what are the causes of poverty. Furthermore, migration is exacerbated in the Central American countries in which violence levels are increasingly high when compared to other countries in the region. Although poverty can drive migration in some cases, it is not a priority for children deciding to leave their home countries. This is supported by the fact that Nicaragua is the poorest country in the isthmus (Central America), it has a very low presence of youth gangs, and the level of violence regarding homicide data is relatively low. Therefore, by examining the Nicaraguan’s government policies regarding violence, other countries in the region may possibly encounter solutions to their own problems. Poverty is a result of the Northern Triangle governments’ inability to establish (security, development) institutions. Therefore, children in the Northern Triangle have three options: 1) stay in their home countries and become part of transnational criminal organizations; 2) migrate to the United States looking for better opportunities; or 3) die. Beginning in 2011, many children from the Northern Triangle and Mexico decided to take option two, making the dangerous journey to the United States over the other two options available.

Many children are leaving their homes, often very violent places, to conduct a very long and dangerous journey; therefore, distance plays a big role when selecting where to cross along the U.S.–Mexico border. Why? Along the route, there are many crimes that go unreported—extortion, rape, kidnapping, robbery and others, and the shorter the route, the less exposure children will have to these crimes. Also, in 2010,

when the Zetas cartel decided to break away from the Gulf cartel and look for other sources of revenue, smuggling children to the United States was a very lucrative option. In Chapter II, the relationship established between the Zetas cartel from Mexico and the MS-13 gang in the Northern Triangle resulted in the route pattern that children follow, specifically through the Zetas territory in Mexico. The only way to travel is in large groups (unaccompanied alien children travel in large groups on top of the train) through Mexican cartels' territory. Arranging transit is a role that MS-13 gang members (smugglers) and the Zetas fill to benefit from this operation. Although very difficult to prove, the dates of events match the situation encountered on the ground by U.S. Border Patrol. These events are: beginning in 2006, the levels of violence in Central America began increasingly greatly; in 2008, the U.S. president signed into law the TVPRA policy; in 2009, unaccompanied children apprehension data began to be recorded; in 2010, the Zetas break away from the Gulf cartel and made a pact with the Mara Salvatrucha; and finally, from 2011 until recently, a massive increase of unaccompanied children being apprehended at the U.S.–Mexico border have flooded the U.S. immigration system.

Currently, the U.S. Border Patrol sector of the Rio Grande Valley is processing more than 50,000 kids this year alone, and it seems that the numbers will continue to grow unless a strong action is taken by the United States and international partners to solve the problem and serve as a deterrent, which goes beyond U.S. economics to a regional humanitarian crisis. While steps could be taken to curb the number of children coming into the United States, it merely condemns those who cannot come to a life of victimization and possibly death at the hands of those while trying to escape. The solution to the problem rests in solving the underlying causes that led to the violence in the first place; however, that is beyond the scope of this paper and a topic to be explored in future research.

B. RECOMMENDATIONS

Unaccompanied children migration from the Northern Triangle and Mexico is a very complex problem with no easy solution. To begin addressing the crisis, there must be

political will and a strong message from the United States directed at the countries involved, and any actors supporting illegal immigration. The solution must be a multi-prong effort that covers policy reform, coordination among law enforcement agencies, border enforcement, a robust information operations (IO) campaign countering smuggling activity, and finally targeting Mexican cartels and gangs (similar tactics used during the strategy that former President Fox implemented) , specifically MS-13, calling all violent groups TCOs is not providing the results needed to affect these groups illicit activities.

1. Policy Reform

In 2008, the Trafficking Victims Protection Reauthorization Act was enacted in order to ease what was considered a humanitarian crisis. Under the current policy, immediate repatriation of children only applies to contiguous countries—Mexico and Canada. This statute is only enforced by the fact that the secretary of state is able to negotiate only with contiguous countries and not with countries from the Northern Triangle.¹³⁹ Therefore, a reform to this policy must be the first step in looking for solutions. The secretary of state should not have any limitation in dealing with the countries involved, in this case the Northern Triangle, to apply the same treatment to all countries. The reform also must address the backlog in the Justice Department system for children waiting to be seen by an immigration judge. This backlog causes kids to stay in the United States an average of 90 days before the cases are evaluated by immigration judges. During that time, the United States must feed, educate, provide medical services, and legal counsel to all minors in custody. The long waits create an impression that once in the United States, children will be granted some form of relief. This information is exploited by smugglers who benefit from the business of migration. Since we are on an election year and Congress is looking to end what is known as a humanitarian crisis, “ending a humanitarian crisis rooted in gang violence, human trafficking, and weakened economies in multiple Central American countries will not be easy, but dealing with

¹³⁹ Kandel and Seghetti, *Unaccompanied Alien Children*, 15.

unaccompanied minors in a humane way should be our primary goal.”¹⁴⁰ Therefore, political will to resolve the problem must exist if a solution to children migration is desirable.

So why is there no movement toward solving the problem? In *Adios, America*, Ann Coulter makes the argument that the United States has been manipulated by a 1 percent minority (the very wealthy). She argues:

Everyone who supports our current immigration policies does so for his or her own reason: Democrats for the votes; employers for the cheap labor; the wealthy people for the nannies, maids, and gardeners; Republicans for the campaign cash; and churches for the taxpayer money.¹⁴¹

This year, 2016, is an election year, and immigration is at the forefront of the political campaigns; however, only time would tell if the U.S. politicians are really serious about solving the problem or maintaining the status quo.

2. Minimize the Number of U.S. Border Patrol Sectors and Create Joint Organizations

Currently, the U.S.–Mexico border is divided into nine sectors (see Appendix A, item 2: U.S. Border Patrol sectors map); however, within each sector, state and federal law enforcement agencies—the Department of Homeland Security, the Central Intelligence Agency (CIA), the FBI, the Department of Justice, state and local police, military elements, and others—do not operate jointly. In the case of child migration, the Department of Health and Human Services also plays a role in making sure that the children are placed into appropriate shelters upon apprehension. Each organization is responsible for a piece of the puzzle in solving the problem; however, due to funding and relevance competition, working together undermines each organization’s existence. As Clifford Gyves states,

¹⁴⁰ Philip E. Wolgin and Angela Maria Kelley, “5 Things You Need to Know About Unaccompanied Children,” Center for American Progress, June 18, 2014, <https://www.americanprogress.org/issues/immigration/news/2014/06/18/92056>.

¹⁴¹ In 2012, Lutheran Family Services Rocky Mountains’ gross revenue was \$12,915,054; \$10,812,318 came from government contracts. Ann Corcoran, “Lutheran Family Services Rocky Mountains Largely Funded by Government Contracts,” Refugee Resettlement Watch, October 29, 2014, <https://refugeeresettlementwatch.wordpress.com/2014/10/29/lutheran-family-services-rocky-mountains-largely-funded-by-government-contracts/>; Ann Coulter, *Adios, America! The Left’s Plan to Turn Our Country into a Third World Hellhole* (Washington, DC: Regnery Publishing, 2015), 25.

“each organization may hold a piece of the overall information puzzle but is restricted from having the whole picture (therefore limiting its perceived power, since knowledge is power).”¹⁴² To avoid competition, institutional reform to create joint organizations is needed. As Figure 18 shows, on the U.S. side of the border, we have four states bordering with Mexico. To simplify the current nine-sector border, each state should have a joint organization composed of all the agencies that operate independently, including local and state law enforcement agencies. These joint organizations would share all information and operational activities working together toward creating a common operating picture of the problem. Instead of having to coordinate with many different agencies about processing children apprehended at the border, each joint organization would have the personnel in-house required to address the problem immediately. With this approach, many bureaucracies would turn into one, and the different agencies would not have to fight for relevance; rather, each would be part of the greater grand strategy organization or the “whole of government” approach. The final intent is to make “public, private, national, regional, and local actors work together, but in order to do so, they must operate from an integrated strategy founded on a common base of information.”¹⁴³ This concept not only might work for solving migration problems, but it would solve many problems related to national and homeland security efforts.

¹⁴² Bruneau, Dammert, and Skinner, *Maras*, 193.

¹⁴³ Ibid., 192.

Figure 18. U.S.–Mexico Borderlands Showing South Texas–Northern Mexico Study Emphasis



Source: U.S. Geological Service, “U.S.–Mexico Border Environmental Health Initiative (Geology Component),” U.S. Geological Service, last modified March 25, 2014, <http://gec.cr.usgs.gov/projects/borderstudies/health.html>.

3. Creation of Social Programs and Safe Zones

The creation of social programs and the establishment of safe zones in the region require leadership from the affected countries (i.e., the Northern Triangle and Mexico) to establish the political will to implement changes. The inability of the region’s governments to establish a foothold in smuggling routes through their territories allows TCOs to maintain control and gives them freedom of movement to conduct illegal activities. In these ungoverned areas, TCOs do not allow institutions to establish themselves and start providing basic services to the population. Subsequently, making sensible options for migration so children have realistic opportunities at home should be the focus of any support provided by the United States.¹⁴⁴ Instead of placing children in shelters in the United States, a system of shelters should be established in different regions of each country that allow the children to stay in their home countries. These shelters should provide alternatives to migration that the children are looking for and also provide a safe environment in which children can do day-to-day activities without fear of being killed. To establish the shelters and safe zones, the United States must support the region financially and provide expertise related to the establishment of the shelters. The

¹⁴⁴ Rosenblum, *Unaccompanied Child Migration*, 20.

Obama administration requested \$1 billion in FY2015 to support development efforts in Central America; however, only \$300 million are appropriated for security.¹⁴⁵ All funds directed to support Central America should have a specific activity attached to its funding instead of providing a blank check, which as is well known, usually ends up in the wrong hands or is directed toward ineffective solutions.

4. Information Operations Campaign

Combatting child migration also requires cooperation from media outlets. Every time that the United States creates a new immigration law, an information campaign must be conducted to deter unauthorized flows of immigrants. To this day, smugglers have been able to adjust their narratives to make children from the Northern Triangle believe that coming to the United States will guarantee them some form of relief. The process of conducting a journey from the Northern Triangle to the United States involves huge risk (e.g., levels of violence, the train, and uncertainty). The media should portray all aspects of moving from one place to the other, including exposing the groups responsible for all the violence and the possible routes that these groups own. With a good information operations campaign in indigenous languages, migrants will better understand the challenges faced by conducting the journey north. Furthermore, this could be a possible deterrent factor associated with children's decision to migrate.

Is the United States doing enough? Is the United States trying to solve the problem of unaccompanied alien children migration? One interviewee from Guatemala now working with the U.S. Immigration system as a translator stated:

The only thing I know is that immigration is big business. Illegals are a big business. The people who run the private prisons make a lot of money. The longer they keep you in jail (detained for UACs), the more money they make....There are lots more deportations now.¹⁴⁶

¹⁴⁵ Ibid., 20.

¹⁴⁶ Terrio, *Whose Child Am I?*, 202.

This comment makes it clear that what we are doing is not working and that an immigration reform overhaul must occur if the United States is serious about solving the problem; until then, mass migration of unaccompanied alien children will continue.

APPENDIX. DATA

Table 1. Unaccompanied Alien Children Encountered by Fiscal Year (Border Patrol Data)

	2010	2011	2012	2013	2014	Σ
Big Bend (Marfa)	197	189	168	125	256	935
Del Rio	1014	1113	1618	2135	3268	9148
El Centro	448	457	498	434	662	2499
El Paso	1011	697	659	744	1029	4140
Laredo	1570	1608	2658	3795	3800	13431
Rio Grande Valley	4977	5236	10759	21553	49959	92484
San Diego	980	549	524	656	954	3663
Tucson	7998	5878	7239	9070	8262	38447
Yuma	216	222	280	247	351	1316
Σ	18411	15949	24403	38759	68541	

Source: U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children FY 2014,” U.S. Customs and Border Protection, 2014, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2014>.

Figure 1. United States Border Patrol Sectors Map



Source: Office of Border Patrol Sectors in *Wikimedia Commons*, s.v. “CBP Sectors Map,” https://commons.wikimedia.org/wiki/File:CBP_Sectors_Map.jpg.

Table 2. Relevant Data

	2011–2014		2011–2014		Annual	Annual	1= Yes 2= No	
Mexico crossing border sectors	Violence (deaths)/ extortion/ kidnappings per 100k residents ¹⁴⁷	Route distance from Mexico's southern border (miles) ¹⁴⁸	USBP apprehensions ¹⁴⁹	Average USBP presence (agents) ¹⁵⁰	Average temps (high) ¹⁵¹	Average temps (low) ¹⁵²	Border fence ¹⁵³	Land imports through crossing point (%) ¹⁵⁴
Baja California	110	2579	213,239	1,870	97	59	1	4
Sonora	68	2268	476,480	2,537	89	62	1	2
Chihuahua	213	2082	43,516	2,652	68	36	1	6
Coahuila	90	1771	101,409	1,123	80	55	0	2
Nuevo Leon	107	1647	175,723	1,835	74	47	0	14
Tamaulipas	112	1523	567,851	2,800	84	67	0	3

¹⁴⁷ Centro Nacional de Informacion, “Tasas por cada cien mil habitants 1997–2014 [Violent incidents per 100 thousand residents in Mexico States],” Secretario Ejecutivo del Sistema Nacional de Seguridad Publica, Estados Unidos Mexicanos, accessed September 1, 2015, http://secretariadoejecutivosnsp.gob.mx/work/models/SecretariadoEjecutivo/Resource/1/1/tasas_publicacion.pdf.

¹⁴⁸ “Principal Migration Routes across Mexico,” *Periodico Internacional*, accessed March 2, 2016, <http://www.elperiodico.com/es/graficos/internacional/migraciones-mexico-eeuu-menores-4650/>.

¹⁴⁹ U.S. Customs and Border Patrol, *Total Unaccompanied Alien Children (0–17 Years Old) Apprehensions by Month—FY 2010–FY 2014*, U.S. Customs and Border Patrol, 2014, <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2014>.

¹⁵⁰ U.S. Customs and Border Patrol, *Border Patrol Agent Staffing by Fiscal Year*, U.S. Customs and Border Patrol, 2015, <https://www.cbp.gov/sites/default/files/documents/BP%20Staffing%20FY1992-FY2015.pdf>.

¹⁵¹ Current Results, “Average Annual Temperatures in Mexico,” Current Results, accessed September 1, 2015, <http://www.currentresults.com/Weather/Mexico/average-annual-temperatures.php>.

¹⁵² Ibid.

¹⁵³ Billeaud “Fence Alone Can’t Plug Porous Border.”

¹⁵⁴ U.S. Department of Transportation, “National Gateway and Corridor Concepts.”

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